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7th January 1954.78th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President,

Hon'ble Mr. Justice M.R. Kayani,

Member.

Mr. Fazal Ilahi, Advocate, assisted by Mr.  
Ijaz Ali, for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate, for  
Mian Murtaza Muhammad Khan Daultana.

Mr. Abdur Rehman Khedim, Advocate, assisted by  
Mr. Ghulam Murtaza Khan, Advocate, for  
Sadr Anjuman-i-Ahmediyya, Rahat.

Mr. Fatch Muhammad Aziz, Advocate, for the  
Ahmediyya Anjuman-i-Ishtaiq-i-Islam.

Mr. Nazir Ahmad Khan, Advocate, for the Jama'at-i-  
Islami.

Mr. Nazher Ali Azhar, Advocate, for the Majlis-i-  
Ahrar.

Maulana Murtaza Ahmad Khan Maikesh, for the  
Majlis-i-Amal.

Witness No.132 (Called by Court):-

S. Ghias-ud-Din Ahmed, Home Secretary to Government Punjab,

on solemn affirmation :-

Cross-examination by Mr. Fazal Ilahi:- Nil.

Cross-examination by Mr. Abdur Rahman Khadim, on behalf of Sadr Anjuman-i-Ahmediyya, Rabwah:-

Q. Is Exhibit D.E/308 the letter, dated 30th/31st October 1950, which you sent to the Anwar-i-Jum'at-i-Ahmediyya, Montgomery?

A. Yes.

Q. Did you issue instructions to the Commissioner to receive the deputation in accordance with this letter?

A. Probably not.

Cross-examination by Mr. Fatah Muhammad Aziz:-

Q. Do you know whether the ahmadis of Lehori sect were also the target of the activities of the agitators during the disturbances?

A. Yes.

Q. Is it a fact that the Majlis-i-Amal included the Ahmadis of the Lehori sect in their demand that the Ahmadis should be declared a minority?

A. I don't think any distinction was made.

Cross-examination by Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar:-

Q. You have said in your written statement that on the night preceding the 6th March you had given your anxious consideration to the situation and thought of four proposals which



might have said the situation. You have also said that you discussed these proposals with the Chief Secretary who made no comment on them. Is that so?

A. Yes. That is correct.

Q. May I ask you whether you made any fifth proposal?

A. No. I have read in yesterday's paper that the late Chief Secretary, Mr. H.A. Majid, ascribed to me a fifth proposal, namely, that the Foreign Minister should be made to resign. This recollection of his is not correct. What I did say to him was that even a sober paper like the "Nawa-i-Waqt", which had always taken a very reasonable view of the whole situation, had come out in bold headlines that very morning with a suggestion addressed to Chaudhri Muhammad Zafarullah Khan that it were better for him to resign the Foreign Ministership in order to save the nation from an unpleasant strife. I produce the relevant cutting. (Ex. D.E/309).

Q. Where was the Chief Secretary when you were later mentioning the proposals to the Chief Minister?

A. He was outside the Governor's Secretary's room in the verandah.

Q. Could he hear what you were talking to the Chief Minister?

A. He was not present in the room.



Q. Did he come to the room at all ?

A. I do not know. There was such frantic activity all round that I cannot now recollect whether the Chief Secretary come in.

Q. Did you discuss the draft of the Chief Minister's appeal with the Chief Secretary ?

A. I did not discuss the draft which I was ordered to prepare, but I think it must be within the Chief Secretary's knowledge like every one else. He, however, saw it and also saw its English translation, which under the orders of the late Chief Minister and the late Governor was to be flashed to the districts on the police wireless, before it was issued.

Q. You say in your written statement that a military patrol was brickbatted by the mob and that it opened fire injuring one person. Who gave you this information ?

A. I heard this from the military. I think the officer who gave me this information was Col. Aleem and I think I have mentioned this on the authority of this military officer.

Q. Did it come to your notice that after the murder of the D.S.A. on the 4th March the District Magistrate had asked the military to take over ?

A. I think what the District Magistrate told the military authorities was that they should come into play more effectively.

Q. Did you also come to know that the I.G.F.'s advice was against whatever the proposal was ?

A. The I.G.F. never advised against any measure taken to maintain law and order.

Q. Were you asked certain questions by the Central Cabinet on the evening of the 26th February ?

A. Yes. The Central Cabinet wanted to know the extent to which the agitation might develop and whether the Provincial Government would be able to cope with the situation. We informed them that the situation was serious, but that the Provincial Government would be able to handle it.

Q. Did the Central Cabinet ask you any other question ?

A. We were there for about twenty minutes or so and they did ask us details regarding the number of volunteers and the Akhbar, etc.

Q. Did the Central Cabinet ask you if you had made any contacts with important people in the Punjab ?

A. I do not think so.

Q. Did you, after 13th July 1952, in fact make any contacts with the leaders of the Khata-i-Nubuwat movement ?

A. I was Home Secretary and had nothing to do with the matter.

Q. Were you not informed by those people who were in a position to make contacts ?

A. I received up-to-date information regarding the trend of the agitation and the various matters connected with it from the C.I.D. who are the eyes and ears of the Government.

Q. Did you or any other officer hold any consultations between the 18th of January 1953 and the 25th of February 1953 to consider measures to counteract the movement ?

A. I was on a fortnight's leave from the 10th of February 1953, when I was summoned to the Secretariat by the I.G.P. on the 20th February for a meeting with the Chief Minister in connection with the ultimatum given to the Central Government regarding the "Direct Action". Before that also, the I.G.P., who was also acting as D.I.G., C.I.D. at that time, and I were in constant touch with each other and met practically every day to discuss this and other matters.

Q. Did you receive any directive from the Central Government after the 18th of January when the "Direct Action" resolution was passed, or after the 27th of January when the ultimatum was given ?

A. We did not receive any directive from the Central Government between these two dates.



Cross-examination by Maulana Murtaza Ahmed Khan

Maikash Member, Majlis-i-Amali

Q. What were the reasons for the harsh proposals against the Ahrar which were formulated by the D.I.G., C.I.D., in consultation with the Home Secretary and the Inspector-General of Police, and which are mentioned in the D.I.G., C.I.D.'s note of 20th May 1952 ?

A. The situation was becoming serious and actually some acts of violence had also been committed, and there was no doubt whatever that the Ahrar were the sponsors and propagators of this movement. They were using this political plank to exploit the religious sentiments of the people with a view to their own political resurrection. It was felt that if strong and effective action was not taken at that juncture, the law and order situation would deteriorate. That was the reason why we formulated these proposals.

Q. Can you state any incidents that might have happened in March, April or May 1952, to justify these proposals ?

A. I can give you the whole background of the proposals and that is this. The Ahrar held a conference at Sargodha at which the trend of speeches delivered was highly objectionable. When these speeches were being examined, the then I.G., wrote a note saying that the situation demanded that the C.I.D. should put up to Government firm proposals for meeting this serious menace to law and order. Then the D.I.G., C.I.D., held the discussion mentioned above with me and the I.G. and these proposals were chalked out. The D.I.G., C.I.D., in his note of 20th May has given a list of the various incidents and activities of the Ahrar up till then.

Q. Does this list of incidents contained in the D.I.G., C.I.D.'s note of 20th May, contain any reference to events of March, April or May 1952 ?

A. In Sargodha in March 1952, a procession was taken out in defiance of police orders. The processionists indulged in the beating of their breasts in a mock ceremony shouting "Zafarullah hai hai". In Rawalpindi in April 1952, provocative speeches were delivered by the Ahrar at a meeting in the course of which a youth got up and shouted : "Zaferullah mirza ko hataya jaye."

Wazir Zafarullah ko qatal kiya jaye, mar diya jaye".

Sayyad Ataullah Shah Bokhari, who was addressing the meeting, exhorted the audience after the shouting of the slogans by this youth, that they should take out a procession and press for the dissolution of "Zafri Wazarat". In Gujranwala in April 1952, Ahl-e-Akbar workers organised a procession in which two mock funerals of Chaudhri Muhammad Zafarullah Khan were taken out and very objectionable slogans were shouted, such as, "Zafarullah putter chor de; na'ra maro zor de". In Lyallpur in May 1952, Sayyad Ataullah Shah Bokhari, addressing a meeting, said that anti-Ahmedi demonstrations would be staged on a large scale and would not be confined to places such as Lyallpur, but would extend to Lahore and Karachi also. A procession was actually taken out in Lyallpur and his voice later on assumed prophetic significance because on the 18th May, i.e. a week after his claim, violent demonstrations resulting in rioting took place at Karachi. The Lyallpur incident and the threat held out at Lyallpur were actually the



main reason which led to the discussion of the D.I.G., C.I.D. with me and the I.G. Besides this, the record of the speeches delivered by the Ahrar on various occasions is voluminous. There was definitely an incident in which it was said that any one who kills the Foreign Minister would go to Paradise.

Q. Was not Chaudhri Muhammad Zaferullah Khan's speech in Karachi in the month of May a contributing factor to the tenseness of the situation?

A. There was certainly resentment against that speech.

Q. Did the Ahrar observe a Protest Day against the speech of Chaudhri Muhammad Zaferullah Khan?

A. I cannot find any mention about the "Yaum-i-Bhtijaj" or any other "Yaum" in the relevant C.I.D. file, but it is specifically mentioned there that Government had information that the Ahrar wanted to hold anti-Ahmedi meetings in mosques immediately preceding or after the Juma-tul-Wida' prayers because they thought that such meetings were not liable to be banned by District Magistrates. I have a recollection that the Ahrar did call this particular day the "Yaum-i-Bhtijaj" or some other "Yaum".

Q. Were not the restrictions that Government imposed on the holding of meetings a negation of freedom of the citizens ?

A. No. The restrictions were imposed expressly only on the meetings organised and sponsored by the Majlis-i-Ahrar and the Jama'at-i-Ahmadiyya. The other political and religious organisations were at liberty to hold meetings wherever they liked.

Q. Did not the instructions issued to District Officers contain a threat to the Imams of the mosques that if they permitted any meetings to be held inside the mosques, they would be prosecuted for abetment ?

A. The directions to the District Magistrates were that if the Ahrar contemplated holding public meetings within mosques, prohibitory orders under section 144 should be passed without mentioning the venue of the meeting and the District Magistrates were required to call for the Pesh Imams and Mutawallis of the mosques to impress upon them that they should not allow this desecration of places of worship for furtherance of the activities of a political party. It was also said in this directive that the legal position should be explained to the Pesh Imams and the Mutawallis of the mosques. In order to ensure that the sanctity of mosques is not interfered with in any way, it was clearly laid down for the



guidance of the District Magistrates that even if a meeting were held inside a mosque in contravention of their orders, they should not interfere with it in any way and that they should only proceed in a court of law against the people responsible for the meeting well after the meeting was over.

Q. Did Maulana Muhammad Ali Jullandri and other ulama inquire of you whether the ban applied to Tardeed-i-Mirza'iyyat in mosques and exposition of the doctrine of Khatm-i-Nubuwwat ?

A. Yes. Maulana Muhammad Ali wrote a letter to me and Maulana Daud Ghaznavi and two other ulama waited on me in a deputation on 10th July. My reply was that the orders promulgated under section 144, Cr. P.C., applied only to those public meetings which were organized by members of the Majlis-i-Ahrar or the Ahmadiyya community and that apart from this, Government had never imposed any restrictions on any political or

religious organization or on places of worship,  
religious ritual or worship itself.

Q. You said that the Ahrar made the Khatm-i-Nubuwwat doctrine an issue for the Aamatul Muslimin. Is not a belief in the finality of prophethood a matter of interest for the Aamatul Muslimin ?

A. Khatm-i-Risalat is the fundamental belief with every Muslim but the Ahrar wanted to spread the agitation and to give out that the agitation was not their sole creation but that every Muslim was behind it. In the past they had been treating this subject as their sole political monopoly but when they found themselves faced with a situation of political extinction, they made the issue a matter of interest for the general public. Their idea seemed to be that if the demands were accepted, they would claim it as their personal victory because they were the author of this issue, but that if any damage accrued, everyone would share.

Q: Did not the Government realise that the entire Muslim community was interested in the issue of Khatm-i-Nubuwwat after the Convention ?

A: Government was never in doubt that Khatm-i-Nubuwwat is an essential and fundamental principle of faith with every Muslim, but after the Convention the agitation did get more supporters than before and it was after this Convention that the ulama themselves with the agitation against the Ahmadis and the Majlis-i-Amal came into being.

Q: You have said in your statement that Government's case suffered from lack of publicity. Can you say what the Government's case was ?

A: Government's case was that whatever they were doing was with a view to the preservation of law and order and that Government had never interfered with the legitimate religious or political rights of any party or organization.



In spite of all this some of the newspapers carried on intense propaganda to the effect that restrictions had been imposed by Government on worship and on places of worship; for example, the "Zamindar, in one of its issues, came out in bold headlines: *سارے ممالک میں حکومت نے عبادت گاہوں پر پابندی لگا دی ہے* What was needed, we felt, was that the public should be told and the ulama should realise that Government only wanted to discharge their duty of maintaining law and order and preserving the life, property and honour of the citizens of the province.

Q. Is it necessary for the preservation of law and order to impose restrictions on civil liberties ?

A. For the preservation of law and order, if it is necessary to do so, restrictions can be and should be imposed on civil liberties, otherwise civil liberties themselves would disappear,

Q. Did you send to the District Officers the statement of Chaudhri Muhammad Zafarullah Khan which he published in reply to the Government's communique

of 14th August 1952 ?

A. No.

Q. Why did you not, in the letter dated the 21st of February 1953 which was sent by the Chief Secretary to the Secretary to the Government of Pakistan, mention the strong feelings that the public of this Province had in the matter ?

A. The whole trend of the letter shows that the agitation was so widespread and intense that it required to be dealt with firmly.

Q. Did you in that letter make any proposal to appease the masses ?

A. No.

Q. When you went to Karachi on 26th February 1953, did you advise the Central Government that some sort of appeasement of the masses would be expedient ?

A. No.

Q. Why did you not in your note of 4th July 1952 say anything about the Ahmadiyya activities ?

A. Because all the acts of violence which had been committed

were against the Ahmadis and not by the Ahmadis. The Ahmadis did at times adopt a provocative attitude but I cannot recollect any incident in which they assumed a violent role.

Q. Did the Provincial Government ever apprise the Central Government that the public of the Punjab were very much offended at the sectarian activities of Chaudhri Muhammad Zafarullah Khan ?

(NOTE.- Before the witness answers this question, the Court puts to him the following question.)

To Court:-

Q. Were the Provincial Government aware of any sectarian activities of Chaudhri Muhammad Zafarullah Khan ?

A. Not within the Province, except the fact that he used to attend periodical conferences that his organisation holds at Rabwah.

(NOTE.- In view of the witness's answer to the Court question, he need not answer the question put to him by Maulana Maikash.)

To Maulana Maikash (continued):-

Q. Did the Punjab Government know that the public of the Province considered Chaudhri Muhammad Zafarullah Khan to be engaged in sectarian activities ?

A. Propaganda to this effect was definitely carried on by certain papers and it was also said from the public platform in some cases.

Q. Did the Provincial Government inform the Central



Government of this?

A. All the information collected by the C.I.D. was periodically communicated to the Intelligence Bureau and the Central Government have their own Central Intelligence Officer stationed at Lahore in this Province for collection of information and intelligence.

Q. You have given a long list of charges against the Ahrar.

Was any one of the Ahrar prosecuted for any of these acts?

A. No prosecutions were launched for such utterances mainly because convincing evidence for a judicial Court was not available.

Cross-examination by Mr. Nazir Ahmad Khan, or behalf of the Juma'at-i-Islami:-

Q. In your written statement you have mentioned that the decision of the Punjab Government was not to interfere with the Convention of 13th July. Was it the D.P.R. who was asked to contact the members of the Convention?

A. The relevant item in the proceedings of the conference of the 5th July of the District Magistrates held by the Chief Secretary is item No:6 which shows that action regarding this item was to be taken by the District Magistrates, the D.P.R. and the D.I.G., C.I.D.

Q. Did the result of the D.P.R.'s contact with the members of the Convention come to your notice ?

A. The desired object was not achieved.

Q. Was this information derived from any note by the D.P.R. or any meeting of the D.P.R. with you ?

A. I did not see any note on the subject by the D.P.R. although a list of the Ulama, according to my recollection, was furnished to him by the D.I.G., C.I.D. But the trend of the agitation and the alignment of the Ulama with the agitation showed that the action, if any, taken by the D.P.R. was infructuous.

Q. Is it within your knowledge that on account of contacts of the D.P.R. with the members of the public a changed policy was discussed ?

A. There was no such discussion.

Q. You have said in your written statement that you wrote to Maulana Muhammad Ali Jullundhri and also told a deputation of three Ulama that the ban on the meetings referred only to the Ahrar and the Ahmadis. May I take it that this was about the middle of July ?

A. Yes.

Q. Is it a fact that the Government was not aware of any

objectionable activities of the Juma'at-i-Islami in this connection ?

A. Yes. This is right.

Q. What is your conception of a mulla ?

A. A Mulla is a clerical poseur, with a limited outlook and a narrower sphere of knowledge, with pretensions to erudition.

Q. Will you call Maulana Maudoodi a Mullah ?

A. No. He is a man of vast learning.

Q. Did the Provincial Government or the Muslim League do anything politically to stop the agitation ?

A. The Government were concerned with the problem only from the administrative and law-and-order point of view and had nothing to do with its political side. The Muslim League and its leaders did not do anything constructive to smother or curb the agitation.

Q. You say in your written statement that you wrote a note (Annexure 'H') suggesting that the Central Government should be addressed to formulate their policy regarding the question. Did you or any of the Punjab Government officials make a similar suggestion to the Punjab Government ?

A. I wrote my note, dated 4th July 1952, in consultation



with the D.L.G., C.I.D. and the I.G.P. It contains my personal views on the demands in no uncertain terms. As far as the Provincial Government is concerned, the maintenance of law and order is their sole responsibility and they were concerned only with this aspect of the problem. The political side of the agitation was not their concern and they were not competent to deal with it. The motif of my note under reference was that if the Central Government enunciated some policy it would greatly assist the Provincial Government in the discharge of their duty of maintenance of law and order. The necessity for this note was felt by the fact that people were openly saying, according to the C.I.D. information, that some of the colleagues of the Honourable Foreign Minister themselves were behind this agitation and this fact was mentioned by the then Chief Secretary in a note, dated the 5th July 1952, with which he forwarded my note to the Chief Minister at Nathiagali.

Q. Is this view that the political side of the agitation was no concern of the Provincial Government your personal view or have you any authority for it ?

A. I say so because the Punjab Government could not say anything authoritatively regarding the demands.

Q. But surely the Punjab Government could have an opinion in the matter ?

A. Personally I think the Provincial Government should not formulate a policy on a matter which is not within their scope, but they can certainly volunteer to give an opinion to the Central Government.

Q. Was there a Cabinet meeting on this note to discuss the advice that the officers had given ?

A. This note was never considered in any meeting of the Punjab Cabinet.

Q. Is it within your knowledge that some talk took place between the Chief Minister and the Prime Minister, and if so, what was the result of this talk ?

A. The Chief Minister mentioned it to the officers subsequently that he had a talk with the Prime Minister at Karachi, and he was not very satisfied

regarding the result. I cannot give the exact import of this discussion. I, however, think he said that the Centre was not very willing to enunciate a policy.

Q. Did you ever bring it to the notice of the Chief Minister that it was surprising that the Muslim League papers in the Punjab were not supporting Muslim League Government?

A. Yes. I put up a note to him to that effect on 4th July 1952. This note is annexure H-1 to my written statement.

Q. What was the reaction of the Chief Minister to this note ?

A. He saw the note and returned it.

Q. You have said in your written statement that the H.C.M. mentioned to you that there was an undertaking given to him by the Ahrar leaders. Did you ever see any such undertaking ?

A. No. The Chief Minister only spoke to me and other officers.

Q. Do you recollect that this would be about two days after the Multan incident ?

A. Yes. This was two days after the Multan incident.

Q. Were orders for the release of the convicted persons issued on the same day ?

A. Very shortly afterwards.

Q. You have said in your written statement that the



communique annexure I, by the Central Government was generally understood to be directed against the Ahmadis. Did the Punjab Government consider that communique in that light ?

A. I. was actually at that time in Karachi, and there the impression was that it was addressed against Chaudhri Muhammad Zafarullah Khan and the Ahmadis.

Q. When you came back, was this communique of the Central Government the subject of discussion among the Punjab Government officers ?

A. We did not discuss this communique, but the impression among the officers also was that it was directed against the Ahmadis.

Q. What was the effect, on the policy of Government, of this impression in official circles ?

A. It did not affect the policy of the Government regarding anti-Ahmadi agitation.

Q. Was not the lull after July 1952 partly attributable to Juma'at-i-Islami's efforts to canalize the agitation in to a constitutional channel ?

A. Not to my knowledge.

Q. Don't you know of the 9th Point in the constitutional amendments ?

A. No.

Q. You have said in your written statement that Maulana Akhtar Ali Khan tendered an apology which was accepted. Who accepted this apology ?

A. The apology was shown by the I.G. to the Chief Minister the Governor and the Governor-General who also happened to be in Lahore. They suggested that the apology should contain certain additional words and phrases. The Maulana added those also to the apology after which it was accepted by the Government.

Q. Was Khwaja Nazeer Ahmad, the Managing Director of the "Civil & Military Gazette", also warned ?

A. Yes. The I.G. and I myself administered the warning to him on the evening of the 27th. The warning was that no jubilation should be expressed over the action which Government was taking against the agitators and also that no provocation should be given.

Q. Who took the decision to administer this warning to Khwaja Nazeer Ahmad ?



A. This decision was taken by the Chief Minister on the advice of the I.G. immediately after he and I returned from Karachi. The I.G. apprised him of the situation and detailed the action that he proposed to take.

Q. Was it in pursuance of the action suggested by the Central Government that this warning was issued ?

A. No. I do not think the Centre had made a suggestion to that effect. At least no suggestion of this nature was made in my presence or in writing.

Q. Did the Punjab Government contact Mirza Bashir-ud-Din Mahmud Ahmad, before issuing this warning, regarding the attitude which he and his followers had to adopt towards this movement ?

A. Not within my knowledge.

Q. You have said that on the 2nd of March there was a meeting in which it had been decided that the Army should be ordered to stand by. What exactly was intended by the words "stand by" ?

A. It was felt that troops might be called in aid or the civil authorities. The G.O.C. was, therefore, written

to and he was told that the situation had taken a turn for the worse and that it might be necessary to use troops in aid of civil power. This letter was issued after the civil officers had conferred with the representative of the G.O.C. who insisted that the letter requisitioning troops must be issued by the Government. The General Officer Commanding, to whom the I.G. had spoken on the telephone, had also insisted on the same. The idea was to put the troops in position from where they could come into operation under sections 129 and 130 of the Criminal Procedure Code, because if they remained in their barracks in the cantonments, these two sections could not become operative in the disturbed area. ✓

Q. Were the military ever required to go into action by any Magistrate ?

A. I do not know.

Q. There seems to be some sort of doubt regarding the true function of the Army on such occasions.

Did the Punjab Government consult the Defence Ministry to clarify the position ?

A. There was no controversy. The military authorities required the requisitioning of troops to be done by the Government and not by the District Magistrate. There could have been no doubt as regards the manner in which the troops were to go into action because sections 129 and 130 are very clear on the subject.

Q. Was there any complaint to you of indiscriminate firing by the police on the 3rd and 4th ?

A. There was no firing on the 3rd. On the 4th, firing took place on three occasions after the curfew had been imposed. No complaint was brought to Government's notice that the firing was indiscriminate or excessive. This also applies to the firing on the night of the 4th.

Q. Did the Secretariat staff which struck work on the 5th maintain that they were doing so as a protest against indiscriminate firing of the last night.

A. I do not know because on the 5th I remained throughout at the Government House.



Q. Did they tell you on the 6th that indiscriminate firing should be stopped ?

A. Yes. In addition some officials did say that the demands should be accepted.

Q. You say in your written statement that the 5th was a tumultuous day and that the order under section 144 was defied throughout the town. Was then the military standing by ?

A. Actually the troops started patrolling in the city (except the walled city) on the morning of the 3rd. They withdrew to the cantonments once or twice but on the 5th there was mobile patrolling throughout the area in which curfew had been imposed on the previous night.

To Court:-

Q. Were military patrols accompanied by Magistrates in every instance ?

A. I think in some cases they were. Probably in one or two instances which came to my notice the troops were

accompanied by Magistrates. The military were, however, to remain with the police.

Q. Did it come to your notice that any of the Magistrates ordered the military to go into action ?

A. I do not know, On the evening of the 6th the G.O.C. held a meeting at the Gymkhana Club at which one of his officers said that when he was on patrol duty near Nila Gumbad he was shocked to see the troops and the police standing by inactive when shops were set on fire. As far as I recollect, this officer did not mention that he was accompanied by a Magistrate.

Q. After the decisions of the morning of the 5th, did the military patrols ever go alone, i.e. without their being accompanied by the police ?

A. I am not aware of any instance in which the military went alone. As I interpret the decisions taken on the morning of the 5th, the military were invariably to be accompanied by the police.

To counsel (continued):-

Q. You say that you prepared some sort of a draft at the meeting of the 6th morning. Was any draft prepared at the meeting on the morning of the 5th ?

A. No draft was prepared at this meeting

but it was decided that the Chief Secretary should prepare the draft of a statement which would be put up before the meeting of the citizens which was to be called in the afternoon, for issue under their signatures. The Chief Secretary started preparing this draft but before he could conclude it, he was called to the Secretariat because of the clerks' strike there and he told me to finish it. I prepared some sort of a draft and put it up to the Governor while the Cabinet was there and the Chief Secretary had also returned. The Governor did not approve of it and I think the Chief Secretary again attempted some sort of a draft but the idea was eventually given up.

Q. What happened to those drafts ?

A. I do not know.



Q. Did somebody suggest that this draft was too condemnatory of the three demands and, therefore, would not be acceptable to the representatives of the people who were to be called in the afternoon ?

A. Yes, the then Governor said this.

Q. What were the contents of the draft ?

A. The draft condemned lawlessness, arson and loot that had been let loose on the town and probably it said that no right-thinking person should allow himself to be duped by the agitators, etc.

Q. Did the Cabinet also consider this draft ?

A. I do not think this was discussed by the Cabinet.

Q. What was the idea of calling a meeting of the notables on the 5th afternoon ?

A. The I.G. had to explain the whole position to them and to ask them to issue an appeal to the people to restore law and order.

Q. Who issued the invitations to the notables ?

A. The decision was that Chaudhri Muhammad Husain

Chatha should convene this meeting.

Q. Were you present in this meeting ?

A. Only at the initial stage. The I.G. was asked

to describe the situation and two or three of

the invitees had spoken. After that we were told

to leave the room.

Q. Who was presiding at this meeting ?

A. The Governor was at the head of the meeting.

Q. Did the Governor ask the leaders assembled to give

their views on the appreciation of the situation

by the I.G. ?

A. I cannot say whether it was at the instance of

the Governor or whether they themselves got up. The

object was to get a statement from these leaders and

citizens of Lahore but no procedure had been chalked

out beforehand. The Governor asked the I.G. to give

a resume of the situation and thereafter some persons made speeches.

Q. Did you not consider it quite natural that in a meeting called for this purpose the leaders were expected to give their view ?

A. Yes.

Q. Was any record of this meeting prepared ?

A. No.

Q. Did Maulana Maudoodi, when he made the speech, say that unless the Government was prepared to keep the door for negotiations open, it was very difficult to make any progress regarding the object of the meeting?

A. As far as I recollect, he said that things had come to such a Pass that a civil war was going on between the Government, on the one side, and the public, on the other. He emphatically said that he was not prepared to sign any statement unless the Government categorically conceded that the demands would be considered.



Q. I put it to you that what Maulana Maudoodi said was not that a civil war was going on but "something like civil war" (سبیل و آزار کے مترادف) ؟

A. I do not remember the exact words but the import of what he said I have explained.

Q. Did any of the Muslim Leaguers speak at the meeting ?

A. Yes, Mr. Shamim Husain Qadri and Mr. Ahmad Saeed Kirmani made speeches.

Q. Was in your presence any progress made with the meeting ?

A. I was issuing curfew passes for the people who left. Maulana Maudoodi stayed for about half an hour after the others had left. I was told by some one that he was preparing a draft but when I asked the Governor whether any draft statement had been approved, he said that nothing had materialised.

Q. Did the Governor show you the draft ?

A. No.

Q. Were you present when the S.S.P. stated on the 6th morning at the Government House that the city could not be held by mere use of force ?

A. I was not present there.

Q. Were you consulted as to the contents of the statement of Mr. Daultana dated the 6th March ?

A. No. I was not consulted about this but I was directed to prepare its draft and I have explained in detail in my written statement the circumstances which led to its issue.

Q. You have said in your written statement that the situation could be controlled if the Majlis-i-Ahrar and the Juma'at-i-Islami had been declared unlawful associations. What period had you in mind with reference to the Juma'at-i-Islami ?

A. I formed the impression from Maulana Maudoodi's attitude in the meeting of the 5th that his organization would take up the agitation from where the Ahrar had left it and they wanted to organize it on a more effective scale. I also formed the impression that they wanted to suborn the loyalty of the police and the army because it was during these days that the "Qadiani Masala" came out for the first time, and

if one reads the epilogue to that pamphlet in the context of what was happening in Lahore, the bona fides of the Juma'at-i-Islami vis-a-vis the law-and-order situation becomes very doubtful.



To Court:-

Q. Was there anything particularly actionable in the "Qadiani Masala" if it were not read in the context of the 6th March ?

A. If it had come out some time before the 6th and if there had been no disturbances in Lahore, then it would have remained quite an innocuous publication. The tone of the pamphlet suddenly changes near the end.

To Counsel (continued):-

Q. When was the "Qadiani Masala" written ?

A. The last portion could not have been written earlier than the first week of March.

Q. If I put it to you that it was written towards the end of February, would you contradict me ?

A. I would again say that the last portion of it was written when the police and army had gone into action.

Q. When did you form the impression that the Juma'at-i-Islami should be declared an unlawful assembly ?

A. On the 5th evening.

Q. Why on the 5th evening ?

A. Because of the attitude of Maulana Maudoodi when I read the "Qadiani Masala" for the first time and also because of the fact that most of the political parties were an

embarrassment to the Government and the situation.

Q. Were the leaders of the Juma'at-i-Islami, including

Maulana Maudoodi, arrested on the 5th or 6th ?

A. Maulana Maudoodi was arrested later.

Q. Did you recommend to the Punjab Government that

Maulana Maudoodi should be arrested, after your

impression of the 5th ?

A. No.

Q. Did the Punjab Government take any action in regard to

the "Qadiani Masala" ?

A. As far as I recollect, no.

Q. To your knowledge were several thousand copies of the

"Qadiani Masla" printed and sold ?

A. It was widely disseminated.

Q. Why did you not suggest any action regarding Maulana

Maudoodi and the "Qadiani Masala", if that was the

impression that you had formed ?

A. I made the bare proposal that the Juma'at-i-Islami should

be declared unlawful. There were no other details as to

how further action would proceed. The foremost thing in

my mind at that time was that the lawlessness must be

stopped and no one should be allowed to take advantage

of the situation.

Q. Have you got the text of the recommendation that you made about the Juma'at-i-Islami being declared unlawful ?

A. I think I made it clear in my statement that these proposals were all made orally on the morning of the 6th. I first mentioned them to the Chief Secretary and then discussed them with the I.C.P. and after that put them up before the Chief Minister in the presence of the Governor. Probably there was one more Minister while they were in the Governor's Secretary's room.

Q. Were they accepted?

A. They probably did not pay sufficient heed to these proposals, but almost all of them were accepted and acted upon before the month was out.

Q. Is it within your knowledge that some Maulvis were convicted who came out to condemn this movement ?

A. No.

Q. Have you read some literature of the Juma'at-i-Islami ?

A. Yes. I have read some of Maulana Maudoodi's other writings and have not come across anything actionable.

To Court:-

Q. Are you sure that Maulana Maudoodi has never attempted in his writings to create disaffection or hatred against Government ?



A. I have not seen the writings in question, but I have learnt from the old files of the C.I.D. that on the occasions the Maulana did write objectionable articles. The Maulana's writings were objectionable, firstly, when he said something against the Kashmir Jihad and, secondly, regarding oath of loyalty to the constitution.

To counsel (continued):-

Q. Is it within your knowledge that there was any conversation between the leaders of the "Direct Action" movement and the Honourable Dr. Khalifa Shuja-ud-Din, Speaker of the Legislative Assembly ?

A. I do not know about any such discussion, but a handbill came out on the 5th or 6th in which the Khalifa Sahib was mentioned as the fourth dictator of the agitation and it was issued by a professor, who had used the pseudonym of "Addai-ilal-Haq". Later on, it was established that the Khalifa Sahib's name had been used without his permission or even his knowledge.

Q. Was Allama Alaud Din Siddiqi also present in the Government House at the meeting on the afternoon of the 5th March 1953 ?

A. I have no recollection.

Q. May I remind you that you, H.E. the Governor, the Khalifa

Sahib and Maulana Maudoodi were the four persons who remained after the other ladies and gentlemen had left, to work on the draft that was being prepared ?

A. I do not know about the Governor, but there were some people upstairs with the Maulana.

Q. How many persons were invited to the meeting of the 5th afternoon ?

A. I do not remember exactly, but there were about fifty persons.

Q. Did any one of them contradict the views of Maulana Maudoodi ?

A. There were no interruptions.

TO COURT:

Q. Did anyone make a contradictory speech ?

A. Yes. Mr. Kirmani made a speech in which he emphasised that the police were acting with due restraint and he actually praised their conduct in one of the incidents which he had witnessed himself near Qila Gujjar Singh.

To counsel contd.-

Q. Referring back to the activities of the Juma'at-i-Islami, you have been going through all these files about political leaders. Do you agree with me that their approach has always been constitutional?

A. Yes. That is right.

Q. Even during this movement the tone of their speeches has never been reported to you as objectionable ?

A. I cannot recollect any speech delivered by a functionary of the Juma'at-i-Islamia which was actionable.

Cross-examination by Mr. Yagub Ali Khan, Advocate,

on behalf of Mian Muntaz Muhammad Khan Daultana:-

Q. In order to meet the threat to law and order as a result of the anti-Ahmadi agitation, was it not



in your opinion necessary that the Central Government should have formulated its policy towards the three demands ?

A. This was not absolutely necessary, but as I have said earlier and in my statement also, it would have assisted the Provincial Government in the maintenance of law and order.

Q. Would you agree that apart from treating it as a question of law and order, it was necessary to meet the agitation by some ideological effort ?

A. The agitation had assumed a shape in which it could only be treated as a law and order problem, but by treating it in the sphere of law and order alone, it was not possible then, and it is not possible now, to kill it for ever.

To Court:-

Q. If the demands had been rejected unequivocally, do you think the Punjab Government could have faced the position with more confidence ?

A. Yes, though I think the consequences would have been graver.

To Counsel contd.-

Q. Were you aware that the then Hon'ble Prime Minister

was carrying on negotiations with the Ulama  
from June 1952 to the end of February 1953 ?

A. Yes.

Q. Do you agree that if the Hon'ble Prime Minister  
had told these Ulama at the very outset that it  
was not possible for the Government to accept the  
demands, the situation of law and order would not  
have deteriorated to the extent it did in the  
Punjab Province ?

A. It would have stemmed the agitation in the  
beginning, but later on even that would not  
have deterred the agitators very much. ✓

Q. Would you agree that this reticence on the part  
of the Central Government handicapped the Provincial  
Government in making any political or ideological  
effort to educate the public opinion side by side  
with treating it as a law and order proposition ?

A. It would have been much easier to enforce a firm ✓  
policy than just reticence because people did not  
understand why we were taking all this firm  
action against persons who were delivering  
speeches against the Hon'ble Foreign Minister

when not a word was being said about that by the Central Government. Similarly, they could not understand why the Provincial Government had banned the meetings of the Ahrar when they only demanded that the Ahmadis should be declared a minority, etc., because a layman does not readily understand the potentialities for mischief and violence involved in a speech.

Q. Will you kindly recall the proposals made by the D.I.G., C.I.D., incorporated in his note dated 20th of May 1952, in which he says in para. 14 that in order to implement the decisions it was necessary that the Central Government should cooperate and should ensure that similar action should be taken by other provinces also. Did you also agree with this point of view of the D.I.G., C.I.D. ?

A. All these proposals were formulated by the D.I.G. in consultation with me and the I.C. as noted by him.

Q. Do you agree that in order to declare the Majlis-i-Ahrar as an unlawful body, it was necessary that the Central Government should have lent its cooperation so that the ban could be imposed against them throughout the State ?

A. That was not necessary, but it would have been a more



effective way of doing it.

Q. Will you recall that during the relevant period, i.e. from June 1952 to the end of February 1953, the Provincial Government kept the Central Government fully informed about the situation of law and order vis-avis the anti-Ahmadi agitation ?

A. Yes. The C.I.D. were sending reports regularly to the Director of Intelligence Bureau and I also sent one or two detailed reports to the Ministry of the Interior.

Q. Did you write any letter to the Deputy Secretary to the Ministry of the Interior on 21st October 1952 ?

A. Yes.

Q. Is this the copy of that letter (Ex.D.E.310) ?

A. Yes.

Q. Was this letter accompanied by a written note (Ex.D.E.311) on the developments of the Ahrar-Ahmadi agitation ?

A. Yes.

Q. Was some other report sent to the Honourable Prime Minister by the Chief Secretary, Punjab, on the Ahrar-Ahmadiyya agitation ?

A. In response to a telegram from the Honourable Prime Minister on 25th July, 1952, after the Multan Firing, the Chief Secretary sent a detailed report about this firing incident and the subsequent events to the Secretary to the Honourable Prime Minister. A copy of the D.O. letter is Ex.D.E. 312 and the copy of the accompanying report is Ex.D.E. 313. Ex.D.E. 314 is a copy of the telegram.

Q. With reference to this letter, can you recall that daily situation reports were being submitted by the Provincial Government to the Central Government ?

A. Periodical reports were sent by the C.I.D. to the Director of Intelligence Bureau, Karachi.

Q. Is it correct that in the months of January and February, the C.I.D. was sending daily reports to Karachi?

A. No.

(File No.16(19) 42, Ex.D.E. 315, is placed on record.)

Q. Did the issue of the communique of 14th August by the

Central Government in any manner encourage the sponsors of the anti-Ahmadiyya agitation and strengthen their demands ?

A. It had an undesirable effect from the administrative point of view.

Q. You have stated in your written statement that on 21st of July, the Chief Minister held a conference which was attended, among others, by you, the I.G., and the D.I.G., C.I.D. Will you recall that after the Chief Minister informed the officers present at this conference about the under-taking of the Ahrar, none of them disagreed with his proposal ?

A. The Chief Minister said that the Ahrar had given him an undertaking that they would themselves safeguard the life, property and honour of the Ahmadis and that they had promised to behave in future, for which reason he had decided to call off the action against them, withdraw the cases pending against their leaders and to release those already convicted. As far as I recollect, no officer disagreed with this and the order was carried out.



Q. The Chief Secretary told us yesterday that from the point of view of administration, this decision of the Chief Minister was quite expedient. Do you agree with this ?

A. The Government were in a position of advantage. At the same time it is a fact that action under, section 144 or the P.P.S.A. could not go on interminably. It must have come to a logical end and the best time when it could be called off was when the Government was in a strong position otherwise the danger was that such measures might lose their efficacy.

To Court:-

Q. Did the Chief Minister record any order about the release of the Ahrar prisoners giving the grounds thereof ?

A. No; but written orders were issued to local authorities.

Q. Did you send for the District Magistrate, Gujranwala and instruct him to withdraw nine separate cases against the Ahrar which were being tried by the A.D.M. Gujranwala ?

A. In Gujranwala cases against Master Taj-ud-Din

Ansari, Sh. Hissam-ud-Din and Sahibzada Faiz-ul-Hasan and probably some other persons were pending. In pursuance of a decision of the Government which was communicated to the District Magistrates in my D.O. letter No:176-St(H.S.)/52 (annexure F to my written statement) cases only against the prominent members of the Ahrar were retained and others were withdrawn. When the Chief Minister ordered the withdrawal of pending cases on 21st July, the case against Sahibzada Faiz-ul-Hasan and others was also withdrawn. The District Magistrate, Gujranwala, did come to Lahore and saw me, the I.G. and the D.I.G. G.I.D. Whether the instructions for the withdrawal of the cases were given to him orally or in writing, I cannot tell without seeing the file.

Q. Were the orders given to you by the Chief Minister in writing ?

A. The orders given by the Chief Minister on the 21st were oral.

Q. Did you send any wireless message to the Superintendents of Police, Jhang and Mianwali, saying that Government had decided to remit the unexpired sentences of Sh. Hisam-ud-Din and Master Taj-ud-Din and that they should be released forthwith ?

A. Yes.

Q. Was this message based on any written order given to you ?

A. No.

(Files Nos. 16(2) 99 and 16(2) 94, and a copy of the wireless message placed on record.)

Having seen the relevant file, the witness states that it was decided by the Chief Minister at a meeting of the officers on the 15th July 1952 that cases pending against Master Taj-ud-Din and Sh. Hisam-ud-Din at Gujranwala should be withdrawn as they had been convicted in a similar case in Sargodha. The District Magistrate, Gujranwala, was sent for by me and instructed accordingly on 16th July 1952.

Q. What happened to the Sargodha convictions and sentences ?



A. These sentences were being carried out in Jhang and Mianwali jails when the Chief Minister decided on 21st July 1952 that the unexpired portions of the sentences of the convicts should be remitted. This order was also carried out. ✓

To Court:-

Q. Was a written order made by the Chief Minister issuing instructions to withdraw orders under section 144, Cr. P.C. ?

A. The order passed on the 21st July was not reduced to writing. ✓

To counsel contd.-

Q. Was this order recorded by the Secretary or the Deputy Secretary for purposes of future reference ?

A. Sometimes orders are not recorded but compliance reports are put up to the Minister if the Minister passes oral orders. ✓

Q. Was there any note recorded incorporating the orders given orally by the Chief Minister ? ✓

A. As far as I know, no such note was ever recorded but orders which had issued in compliance with the Chief Minister's oral instructions were put up to his for information.

Q. Are there any minutes recorded of the meeting of 15th July 1952 which is referred to in your note of 17th July, regarding withdrawal of cases against Master Taj-ud-Din and Sh. Hisam-ud-Din in Gujranwala District ?

A. It appears from File No. 16(2) 99 that it was put up to the Chief Minister through the Chief Secretary on 6th July 1952. There is no copy of any minutes on the file but my note dated the 17th July 1952 shows that the decision to withdraw the cases pending against Master Taj-ud-Din and Sh. Hisam-ud-Din at Gujranwala was taken at a meeting held on the 15th July.

Q. Were you present at this meeting ?

A. I must have been.

Q. Can you recall as to who made this proposal to the Chief Minister ?

A. I cannot say now as the file is silent on the point.

Q. Could there be any other file connected with it  
which can show it ?

A. No.

Sd/- M. Munir.  
PRESIDENT.

7th January 1954.

Sd/- M.R. Kayani.  
MEMBER.

ORDER.

Adjourned till tomorrow when the cross-examination  
of Mr. Ghias-ud-Din Ahmad will be resumed.

Sd/- M. Munir.  
PRESIDENT.

7th January 1954.

Sd/-M.R. Kayani.  
MEMBER.



8th January 1954.79th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,  
 Chief Justice, President,  
 Hon'ble Mr. Justice M.R. Kayani, Member.

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Mr. Fazal Ilahi, Advocate, assisted by Mr. Ijaz Ali,  
 for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, for Mian Muntaz  
 Muhammad Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for Juma'at-i-Islami.

Mr. Asadullah Khan, Advocate, assisted by Mr. Ghulam  
 Murtaza, Advocate, for Sadr Anjuman Ahmadiyya,  
 Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya  
 Anjuman Isha'at-i-Islam,

Maulana Murtaza Ahmad Khan Maikash, Member,  
 Majlis-i-Amal.

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Witness No:132 (Called by Court continued):-

S. Ghias-ud-Din Ahmad, Home Secretary to Government  
 Punjab, on solemn affirmation:-

Cross-examination by Mr. Muhammad Yaqub Ali Khan  
 (Continued):-

Q. Did the Central Government in reply to your letter and the note (Ex.D.E.311) attached to it, or in reply to the letter of the Chief Secretary and the note (Ex.D.E.313) enclosed to it, send to the Punjab Government any instructions or advice, or communicate its policy towards the anti-Ahmadiyya agitation and the three demands sponsored by the agitators ?

A. I think no reply was received from the Central Government to this letter and the advice that we received from them regarding the three demands was in cypher telegram received towards the end of February 1953 after the Karachi arrests.

Q. Would you tell me when it was decided to send the communication, dated 21st February 1953, from the Punjab Government to the Central Government ?

A. The relevant C.I.D. File (No:16(19)42) contains a note by the I.G.P., dated 20th February 1953, (pages 3-4 notes) that the case was discussed by the H.S. and the I.G.P. with the H.C.M. as a result of which a cypher telegram was to issue. The draft of the letter in question was also discussed at this meeting.

Q. Does this note show that when you and the I.G.P. met the Chief Minister a draft had already been prepared which was put up before him ?

A. I have already answered this question.

To Court:-

Q. Can you say on which date the draft of Chief Secretary's letter to Mr. Ahmad, dated 21st February 1953, was finalized ?

A. When the I.G.P. summoned me to the Secretariat on the 20th February 1953, he had the draft ready for submission to the H.C.M. This was discussed with the H.C.M. by the I.G.P. and myself on the same day and it was issued on the following day by the Chief Secretary.

Q. Can you state when the draft which was shown to you was originally prepared ?

A. As I have said earlier, I was on leave from the 10th February. I could not, therefore, know when the I.G.P. had prepared this draft.

Q. In his written statement Mr. Anwar Ali has said the following:-

"As soon as I came to know about the notice of 21st January 1953 through our own sources, I discussed the matter with the I.G.P. who fully appreciated the gravity of the situation and the need for formulating a policy early. Both of us went to Mian Mumtaz Muhammad Daultana and apprised him about the situation. I think the Home Secretary also went with us."

Do you remember this incident ?



A. I have no recollection of it.

To counsel (continued):-

Q. You have told us that action under section 144 "could not go on interminably. It must have come to a logical end and the best time when it could be called off was when the Government was in a strong position." Do you agree that when this decision was taken the Government was in such a position and it was a proper course to adopt at that time ?

A. Yes.

To Court:-

Q. If the Ahrar leaders had not been released in July and the pending cases not withdrawn against them and orders under section 144 not withdrawn, do you think it would have made any difference to the situation as it had developed later ?

A. This action was followed by a lull and then again a spate of objectionable speeches started. After the calling off of this action, if action had been taken to prosecute all the people who were delivering objectionable speeches, or if preventive action had been taken against some of them, then the agitation could have been curbed further.

Q. Will you recall that at a meeting held on 5th of July 1952 it was decided that the District Magistrates would report to the Government if any action was to be taken for delivering objectionable speeches or other objectionable activities connected with this agitation ?

A. One of the decisions at this conference of the D.Ms. which was accepted by Government was that if any inflammatory or violent speeches were delivered at meetings not organised by the Majlis-i-Ahrar or the Juma'at-i-Ahmadiyya, whose meetings had been totally banned, references should be made to Government for action under section 153 P.P.C. or the Public Safety Act.

Q. Is it a fact that apart from the case of Sialkot, none of the District Magistrates sent up any proposal for taking action against any person in accordance with the decision referred to above by you which was disapproved ?

A. Apart from the report of D.M., Sialkot, regarding objectionable speeches delivered at the Gullu Shah Fair, and probably by D.M., Montgomery, regarding Maulvi Muhammad Ali Jullundri, no other recommendations

for prosecution were received by Government from any of the D.Ms.

To Court:-

Q. Did District Magistrates have a feeling that Government were reluctant to prosecute ?

A. I cannot say about the feeling of District Magistrates, but it appeared that they were chary of recommending such cases to Government. As a matter of fact, in relation to Montgomery, Government and the Inspector-General of Police had to conduct protracted correspondence with the District Magistrate and the Superintendent of Police respectively to get the case finally started against Maulvi Muhammad Ali Jullundri.

Q. When did the case of Maulvi Muhammad Ali Jullundri occur?

A. The speech was delivered in April 1951 but he was not prosecuted until some time in the later part of 1952.

Q. Who was the District Magistrate, Montgomery, at the time?

A. The District Magistrate when the speech was delivered, was probably Mr. Mushtaq Ahmad Cheema.

Q. Why were District Magistrates generally chary of recommending prosecutions ?

A. I cannot give any specific reason, but from the fact that the C.I.D. reports showed that objectionable



speeches were being delivered and their tempo was increasing and still no recommendations for prosecutions were coming in from District

Magistrates, it is clear that they must have felt that their recommendations would not prove of any result; or they may have tried to let sleeping dogs lie.

To Counsel contd.-

Q. Was the proposal of District Magistrate, Sialkot to prosecute three persons for having delivered actionable speeches at Gullu Shah Fair, placed before you ?

A. I received this reference and I sent it to the C.I.D. for being examined. When the file was submitted to H.C.M., he desired that it should be discussed with him by the officers along with some other cases relating to the agitation. I have seen the file and it appears from it that this case was discussed with H.C.M. on 24th December 1952, as noted by the then D.I.G., C.I.D., on page 4 — Noting of the file. After that the file did not come up

to me, nor does it appear to have been submitted to Government, and it appears from a note of the then S.P., C.I.D., that he himself filed the papers and informed the S.P., Sialkot, that as the speakers were petty persons, it would not be worthwhile prosecuting them on that occasion.

Q. Were you as Home Secretary responsible for advising the Chief Minister in the matter of law and order ?

A. I have touched upon this question in the opening part of my written statement.

Q. Apart from the Chief Secretary and yourself, who else were the official advisers of the Chief Minister ?

A. The D.I.G., C.I.D. His functions are to collect the intelligence regarding the political trends etc. and to submit them to Government through I.C.P./H.S./C.S. It is also the function of the C.I.D. to suggest the requisite action to Government. The Inspector-General of Police is in charge of internal defence and liaison with the army independently. The Home Secretary acts as the assistant or aide to the Chief Secretary in the discharge of his functions regarding communal and religious questions affecting general tranquillity and all general questions affecting the tranquillity of

the Province, but he acts independently regarding matters relating to Jails, the operation of the Public Safety Act, judicial matters and general matters connected with the police. In these affairs also the Chief Secretary, being the principal secretary to Government, can send for any papers he likes or give guidance.

Q. Is it a fact that during the period you were the Home Secretary, the ex-Chief Minister did not disagree or disapprove of any advice which was given to him on the question of law and order by the officials named by you responsible for advising him on these matters ?

A. I cannot think of any specific disagreement, but on some occasions the proposals put up by the I.G., D.I.G., C.I.D. and H.S. were whittled down to some extent.

Q. Did the Chief Minister on any such occasion show his desire or keenness to support the agitation or his sympathies with the agitators ?

A. No.

Q. Will you recall that throughout the relevant period, i.e. June 1952 to the end of February



1953, it was the policy of the Chief Minister to deal with the agitation as a proposition of law and order firmly ?

A. That was my impression.

Q. Will you agree with me that so long as the agitators were permitted to publicly raise these three demands and to deliver speeches in support of them, it was bound to result in disorders in the Province whenever it was decided to reject those demands ?

A. The propagation of such demands could not remain peaceful or constitutional, and any agitation for their promotion was bound to lead to problems of law and order, and the longer such agitation was allowed to continue, the more difficult it would become to finally reject the demands on which the agitation was based.

Q. Was not this aspect of the situation of law and order to your knowledge conveyed to the Hon'ble Prime Minister by the Chief Minister and the Governor of the Punjab ?

A. As far as I know there was no written communication between the Chief Minister and the Honourable Prime Minister. As regards the Governor, I cannot say whether he had communicated any views orally but the Chief Minister did tell the officers, after one of his visits to Karachi, that he had spoken to the Hon'ble Prime Minister regarding the demands.

To Court:-

Q. What exactly did he say ?

A. My recollection is that he said that he had exhorted the Honourable Prime Minister to enunciate a firm policy but that he was not very hopeful that this would be done.

Q. Was it the Chief Minister's view that the demands were reactionary ?

A. The impression that I gained was that the considered these demands to be of a retrograde nature.

To counsel contd:-

Q. You stated yesterday that the Chief Minister saw file No. 16(2)94 on 4th July in which you had complained about the attitude of the Muslim League newspapers and that he merely signed and returned it. Is it a fact that after this you contacted the editors of the Muslim League newspapers ?

A. My note shows that I had contacted the editors of the Muslim League newspapers on 1st July before I submitted the case to the Chief Minister.

Q. Did you solicit any further orders from the Chief Minister ?

A. I think on one occasion, Mian Anwar Ali, D.I.G., Khan Qurban Ali, I.G.P. and I myself waited on the Chief Minister and spoke to him about it. After this Khan Qurban Ali sent for the D.P.R. and told him in strong terms that publicity must be organized on more effective and better lines. As a result of this exhortation, one or two posters were issued by the D.P.R.



Q. You will recall that when you were called by the Cabinet in Karachi on 26th, you were asked whether, if action were taken against the agitators, the Punjab Government would be in a position to tackle the situation, and we have been told that you answered in the affirmative. Will you tell the Court if this appreciation of the situation was based ~~on~~ facts or was merely intended to mislead the Central Government ?

A. The I.G.P. and I were both summoned together by the Cabinet on the 26th. There the I.G.P. gave an appreciation of the situation and the question mentioned above was put to us and a reply in the affirmative was given. This reply was based on an appraisal of the situation by the I.G.P. and was neither based on conjectures nor was it calculated to mislead anyone.

Q. If this appraisal of the situation was correct, why did the civil administration collapse in Lahore ?

A. I maintain that the civil administration did not fail in the province. As far as a Lahore is concerned, it is true that the agitation developed beyond expectation and things took a very serious turn. Use of troops in aid of civil power is not a novel thing and it does not signify a failure of collapse of the civil administration because, after all, the police, on account of their limited numbers and other restrictions of law imposed on their activities, can cope with situations up to a certain extent beyond which it may become physically impossible for them to be effective. The police did their best and until the morning of the 6th, they were in control of the situation but by then they had put in 36 hours continuous duty. Their numbers were not adequate as the agitation had extended to the whole of the province and the reserves had been deployed to the various cities and towns. What happened on the noon of the 6th when Martial Law was declared was that the situation had gone physically beyond the control of the police.

The army with their much greater legal and lethal powers was naturally more effective. I may mention here that but for certain factors, the lawlessness might have abated after the 4th and we might have turned the corner. These factors were:

- 1) inflammatory speeches delivered in the Wazir Khan mosque and outside the Delhi Gate,
- 2) the false propaganda that the Holy Qur'an had been desecrated and a boy had been mercilessly beaten to death by the police at Chowk Dalgaran on the 4th, and
- 3) the murder of the City D.S.P. If he had not been murdered, things might have started improving after the 4th. The speeches delivered on that day whipped up the religious sentiments and frenzy of the people and the excitement increase when first blood was drawn with the murder of the D.S.P..

To Court:-

Q. What action should have been taken by the Government after the murder of the S.S.P. ?



A. Stronger action than had been until then taken.

Q. If the D.S.P. was murdered in Wazir Khan Mosque, does it signify strong action to rush to the Kotwali, as every one of the principal officers did ?

A. The District Magistrate and the S.P. were in charge of the maintenance of law and order in the city and the I.G. is the Government's expert on internal defence. The consensus of opinion at the time was that the Kotwali should be made the headquarters, that troops should be called out to do heavy patrolling and to assist the police and that curfew should be clamped on specified parts of the city except the walled city.

To counsel contd.-

Q. Who were responsible for these decisions ?

A. When these decisions were taken at the Kotwali, the I.G., the G.O.C. himself, the District Magistrate, the S.S.P. and some other police officers were there.

Q. Did you and the I.G. meet the Chief Minister on the 4th and inform him of the situation ?

A. Yes.

To Court:-

Q. Did any of the Ministers face the public during all this period ?

A. No.

Q. Did anyone of them issue a public statement ?

A. No. On the night between the 4th and 5th, I was asked to issue an appeal to the public, which I did on behalf of the Punjab Government.

To Court:-

Q. If a thing like the murder of a D.S.P. had taken place in a district like Lyallpur, the District Magistrate would have merely to consult the Superintendent of Police and together they would have been free to evolve a plan of effective action. Is it not true that the case of Lahore suffered because there were too many persons to be consulted ?

A. The action taken on the evening of the 4th was decided upon at the Kotwali and I do not think anyone impeded the decisions of either the District authorities or the I.G. I personally felt that in a place like Lahore, the local authorities must be advised, helped and guided by senior officers like the I.G. because it is actually his duty, in addition to the local authorities, to maintain law and order

and look after the internal defence of the province.

Q. Do you think that the District Magistrate in consultation with the I.G.P. could have taken independent action irrespective of other officers and the Ministers ?

A. I think so.

Q. Did it not occur to anybody either before proceeding to the Kotwali or at the Kotwali that the scene of action was Wazir Khan Mosque ?

A. Wazir Khan Mosque was the seat of all trouble at that time but it was felt that it would not be possible for the police to take action there.

Q. And for the Army ?

A. I do not know whether the Army were specifically consulted on this point or asked to go inside the walled city but it was the opinion of the I.G. that even during the pre-Partition days it was not considered feasible to operate within the walled city because of the narrow streets and the congested buildings.

Q. Did not the Army operate in the walled city after the proclamation of Martial Law ?



A. They did but only after they had thrown in nearly four Brigades into Lahore and they did not do so readily either. They waited for some time before they entered the city and that also with the help of armour.

Q. Were these four Brigades and armour not available to you on the 4th ?

A. I do not know about the exact number of troops which the G.O.C. had put into the city before the declaration of the Martial Law but there were troops available for aid to the civil power.

Q. Does it not then indicate a reluctance on the part of the civil authorities to hand over a particular situation to the Army ?

A. I did not notice any reluctance but this question can be answered more appropriately by the District Magistrate and the I.G.P.

To counsel continued:-

Q. Do you recall that on the morning of the 5th the Chief Minister sent for you and the I.G.P. and wanted to know about the situation and appeared to be anxious regarding the cooperation between the Army and the police ?

A. Yes.

Q. Is it a fact that at this meeting he expressed the view that more troops should be used and that the police should use more force to restore law and order ?

A. The trend of his talk was to that effect.

To Court:-

Q. Was anything said about firing, namely, in what circumstances should firing be resorted to ?

A. I do not think so.

To counsel (continued) :-

Q. Can you recall that at this meeting some officer of the army and some civil officers were asked to work out a plan for proper liaison between the army and the police?

A. No.

Q. Did the Chief Minister express the same view at the conference held at the Government House ?

A. The decisions taken at this meeting were duly recorded and cyclostyled. Now it would be very difficult for any one to say what each person exactly said. The object of the meeting was that as lawlessness was spreading it should be curbed with greater use of force, and H.E. the Governor particularly stressed the point that force should be used effectively in a larger measure. He cited the instance of Ahmadabad riots when he said that if a large number of rioters were killed in the beginning the rioting would be nipped in the bud.

Q. Did the Chief Minister also express the same view as H.E. the Governor ?



A. I do not remember this, but what the Governor had said formed the basis of the decisions.

Q. It has been said by the General Officer Commanding 10 Div. that from the morning of 3rd March 1953 the whole Division was available for assisting the civil authorities, but that the civil authorities did not employ it. Is it correct?

A. The G.O.C. always assured the civil authorities of full cooperation, but it would not be correct to say that the civil authorities declined the offer.

Q. Is it a fact that up to the time Martial Law was declared the army did not open fire even once?

A. As I have said already, only one incident was mentioned by Col. Aleem to the I.G. and to me, which I narrated yesterday.

Q. Was there proper cooperation between the civil power and the army during the disturbances?

A. I cannot say what was the real state of affairs on the spot, but complaints were made that the army were not playing an effective role.

To Court:-

Q. Who made this complaint?

A. I think the I.G.P. complained of this to me. He also

narrated to me that an incident in which some army officer had been garlanded was brought to his notice. It is a fact that until the declaration of the Martial Law the army had not made their presence felt effectively.

To Court:-

Q. In what manner could they do so ?

A. By curbing and stifling the agitation, restoring law and order and by helping the civil authorities.

Q. Were they not invariably accompanied by magistrates while on patrol duty ?

A. The exact details can be furnished by the District Magistrate, but they were patrolling. In some cases they were accompanied by magistrates.

To counsel (continued):-

Q. You have told us about the draft of 6th March and you have also told us that H.E. the Governor wanted that it should be conveyed to Khalifa Shujaud Din on the telephone so that it could be disseminated quickly. Can you recall whether, when this draft was prepared, H.E. the Governor, in any manner, disapproved of it or disagreed with the issuing of this statement ?

A. Not to my knowledge.

Q. By what time was the draft of the statement of the 6th March ready ?

A. I cannot give the exact time but probably it was issued by 12 noon.

Q. At what time did you start preparing the draft ?

A. About twenty minutes or half an hour earlier.

Q. Did the Governor approve the draft ?

A. I do not know.

Q. Was H.E. the Governor present when this draft was being discussed or when this draft was prepared ?

A. I do not know whether the Chief Minister had discussed the draft with any one, but when he gave me points for it, H.E. the Governor was present.

To Court:-

Q. Did the Governor also approve of the amendments made by the Chief Minister ?

A. He was present when the first amendment was made by the Chief Minister, but I am not sure about the time when the second amendment was made by him.

To counsel:(continued):-

Q. Was there a conference held in the office of the Chief Minister at 12.30 p.m. on 3rd March, which was attended by all members of the Cabinet, the Chief Secretary, the Home Secretary, the I.G.P., Assistant to D.I.G., C.I.D., S.S.P.,



D.I.G., Lahore Range and D.M., Lahore ?

A. This meeting was held at 11.30 a.m. on the 4th March and not on the 3rd March.

Q. Was any suggestion for the arrest of Mr. Abdus Sattar Khan Niazi made by the District Magistrate which was disapproved of by the Chief Minister or by any member of the Cabinet or by any higher official ?

A. I file the minutes of this meeting, Ex. D.E.316. It is not a fact that any proposal of the D.M. to arrest Abdus Sattar Khan Niazi was turned down. As a matter of fact the decision was that preventive action should be taken against Niazi and that orders for his arrest under section 3, Punjab Public Safety Act should be issued. This was done, as mentioned by me in my written statement, on the same day.

Q. Is it a fact that by the 16th of March 1953 law and order had been restored in all the mofussil districts of the Punjab ?

A. The agitation showed definite signs of abatement and the situation was comparatively easier.

Q. Is it a fact that up to the time that Mr. Daultana resigned, none of the District Magistrates or the Superintendents of Police reported that the issue of

the statement of the 6th March had resulted in  
deteriorating the situation of law and order ?

A. The District Magistrates were required to send in reports regarding reaction to the Chief Minister's statement and, I think, reports were received from some, if not all. They will be on some file.

To Court:-

Q. What was the reaction to the Chief Minister's appeal of the 6th ?

A. I know about three districts only. In Lahore the reaction was very bad. People said that this was another attempt to dupe them. Some of them were emboldened by this capitulation and said they must press forward with their demands. The reports received by the I.G.P. from the S.P.s., Rawalpindi and Multan, showed that reaction in those districts was favourable. As a matter of fact, the S.P., Rawalpindi, said that the ban imposed by the military authorities on the publication of the statement of the 6th March had produced an adverse effect. This was the initial reaction reported by these two S.P.s. Whether they revised their reports afterwards, I do not know.

To counsel (continued):-

Q. Did it come to your knowledge that as soon as the "Qadiani

Masala" was published, the C.I.D. started investigation against it ?

A. When they became cognisant of it they started examining it and other matters connected with it.

To Court:-

Q. Are you sure that there was a meeting of the Cabinet at the Government House on the evening of the 5th March ?

A. I am absolutely certain.

Q. At what time was it held ?

A. It was held in the evening and, I think, the chit on which the A.D.I.G., C.I.D. recorded a few notes contains the time also. I may add here that I am responsible for the fact that the minutes of this meeting were not recorded. In the morning, I took down the minutes of the meeting and got them cyclostyled at the Government House for the Chief Secretary's signature. In the evening, Malik Habib Ullah was sitting next to me and he was taking down these minutes. I detached this piece of paper from his note book and told him that on the basis of it I would record the minutes of this meeting also. I intended to do so the next day, but, as the events of the following day, which are well known to the Court, overwhelmed me, I could not do so and this piece of paper remained with me until I put it on this file and made it over to the C.I.D.



Q. This note shows that H.E. the Governor and the G.O.C.

were both present at the meeting at 6.30 p.m. Is that so?

A. H.E. was President of that meeting and the G.O.C. was

accompanied by two military officers, Brigadiers Kallu

and Haqnawaz.

Q. Was in this meeting anything said about a "let-up" in

firing ?

A. Yes. His Excellency the Governor suggested that there

should be no firing for mere technical breaches of the

curfew. The necessity for saying so probably arose because

in the morning the decision was that force should be used

in strong measure everywhere in the city whenever the

prohibitory order was being violated and I think H.E.

used the particular term "let-up".

Q. Why did a reconsideration of the decision taken in the

morning become necessary ?

A. This was not explained or at least I cannot recollect any

explanation now, but my feeling is that, as at the meeting

it was reported that no incidents had taken place since

early afternoon and also as the analysis of the morning

situation by the I.G.P. at the meeting of the citizens had

evoked a storm of protest, at least from one of the speakers,

it was felt by H.E. the Governor and the Cabinet that there

should be an abatement in firing and that for mere technical

breaches of the prohibitory order firing should not be resorted to.

Q. Was it due to the fact that the Ministers intended to go for their Friday prayers on the following day ?

A. I saw indication of no such intention on the morning of the 5th, but the fact that the following day was a Friday might have weighed with H.E. the Governor at that meeting.

Q. You have said that the I.G.P. is the Punjab Government's Liaison Officer with the army. What does that mean ?

A. The rules of business say so. If the Provincial Government have to contact the military authorities about matters which concern the I.G.P. and the internal defence, that should be done through the I.G.P.

To Mr. Muhammad Yaqub Ali Khan (By permission):-

Q. Does the chit Ex. D.E.231 correctly represent the proceedings of the meeting held in the Government House on the evening of the 5th March ?

A. Yes, but in the form of bare synopsis.

To Court:-

Q. Has Ex.D.E.304 (Combined Civil & Military Action) ever come to you notice ?

A. I am not one of the recipients of these instructions and I have not seen them before.

To Mr. Asadullah Khan (By permission):-

Q. Was Maulana Ghulam Muhammad Tarannum Imam of the mosque in the Secretariat for the purpose of leading Friday prayers and reciting sermons..

A. Yes.



To Court:

I had a discussion with the I.G. and the D.I.G., C.I.D., and as a result of that discussion I wrote my note of 4th July 1952, in which I gave an ideological analysis of the anti-Ahmadi demands. The object underlying this note was that if the Chief Secretary and the Chief Minister agreed with our views, the Chief Minister should address a letter to the Hon'ble Prime Minister on the lines of what had been said in the note regarding the demands. The Chief Secretary did not feel that it was necessary to send such a reference to the Central Government. H.C.M. did not address a letter, but he did say that he would talk to H.P.M. No such letter was ever sent.

To Mr. Fazal Ilahi, Advocate, with permission:

Q. Why were the Gujranwala cases against the Ahrar leaders withdrawn ?

A. The circumstances in which these cases were withdrawn are explained in File No:16(2)99, Volume I.

To Court:

Q. If the date on which the Chief Minister had

arrived at some understanding with the Ahrar is

21st July, why were the Gujranwala cases withdrawn

on 16th July ?

A. H.C.M.'s orders passed at a meeting on 15th July

1952, were that as two ringleaders of the Ahrar,

namely, Master Tajuddin and Sheikh Musamuddin, had

been convicted in Sargodha, the Gujranwala cases

should be withdrawn. The District Magistrate,

Gujranwala, was instructed accordingly.

Q. Is there any record of the proceedings of the

meeting of 15th July 1952 ?

A. No record seems to have been kept of that meeting.

Q. Does not the withdrawal of these cases show that

there was some understanding between the Chief

Minister and the Ahrar leaders on or before the

15th July ?

A. The Chief Minister spoke about this understanding

for the first time on 21st July to me, I.G., and

D.I.G., C.I.D., when he summoned us to his office.

On 15th July the Chief Minister asked me to send for

the District Magistrate of Gujranwala and to

instruct him to withdraw the cases.

The noting at page 46 of File 16(2)93, Volume I, particularly paragraph 2 of my note dated 18th July shows that the Chief Minister's meeting of 15th July was attended by H.S., I.G.P., and D.I.G., C.I.D.

H.O.D., C.I.D.,

President.

Sd/- M.R. Kayani,

Member.

1st January, 1956.



Mr. Ghiasuddin Ahmad, Home Secretary, Government  
of the Punjab, Lahore, on solemn affirmation:-

Q. Please look at the cypher telegram in the file  
entitled Ahrar Direct Action which was received from  
the Central Government on the 28th February. In what  
manner was publicity given to it ?

A. A copy of this telegram was sent to the D.P.R. as  
shown by the office copy of my forwarding note.

Q. Would the original forwarding note be in the office  
of the D.P.R. ?

A. The original note must have gone to the D.P.R. because  
the office copy shows that.

Q. Please look at annexure 'P' to your written statement  
which shows that a letter was issued by you on the 1st  
of March 1953 to all District Magistrates and  
Superintendents of Police guiding them as to the  
procedure they had to adopt in regard to stopping  
volunteers from coming to Lahore and leaving it open  
to them to deal with the situation under section 144  
or otherwise as they thought fit. Did this letter result  
from any discussion with other officers on the 28th  
February at the Civil Lines Police Station ?

A. This was a wireless signal and my recollection is that it was issued from the Civil Lines Police Station on the evening of the 1st March after the civil officers had held a meeting there immediately after the incidents of that date.

Q. Was the decision taken at this meeting referred to Government ?

A. Yes. This was brought to the notice of the Chief Minister later and he approved of the action taken.

Q. Who would decide in Lahore whether an order under section 144 should be imposed ?

A. The District Magistrate, but the convention is that the District Magistrate and the S.S.P. consult the I.G.P., the D.I.G., C.I.D. and the H.S. whenever there is something afoot.

At the suggestion of Mr. Fazal Ilahi:-

Q. Were copies of the policy formulated by the Central Government in their cypher telegram, dated the 28th February, 1953, communicated to all District Magistrates, Commissioners and Superintendents of Police ?

A. No.

At the suggestion of Mr. Muhammad Yaqub Ali Khan:-

Q. Was it decided on the evening of 27th February, after your return from Karachi, that no volunteers should be allowed to proceed to Karachi and was it decided to convey these instructions to all District Magistrates and Superintendents of Police ?

A. One of the decisions was, as shown by the I.G.P.'s note of 27th February, that information about volunteers who left Lahore should be sent to the Sind as well as to the Karachi police, so that arrangements for their arrest en route should be made. There is a marginal note in the hand of the I.G.P. against this decision that the C.I.D. had been informed.

Q. Was any decision taken by the I.G.P. or any other officer in your presence that no volunteers should be allowed to proceed to Karachi ?

A. The D.I.G., C.I.D. did send a signal to all Superintendents of Police and the Range D.I.Gs. on the 1st March, 1953, saying that no volunteers should be permitted to proceed to Karachi and, if possible, to Lahore as well.

To Court:-

Q. Who took this decision ?



A. This must have been in pursuance of the general decisions taken on the return from Karachi of the I.C.P. and the Home Secretary, but I have no definite recollection about it.

Q. Mr. Hamid Nizami has said that on one occasion he and Mr. Mazhar Ali Khan were sent for by you and you made an appeal to them for cooperation. It is further said by him that he told you that you were only deceiving yourself because Government itself was responsible for the propaganda in favour of the agitation. Did he say anything to this effect ?

A. I had recapitulated the talk that I had with Messrs. Hamid Nizami and Mazhar Ali Khan in a note put up by me to the Chief Minister on the subject of publicity and it forms Annexure H-1 to my written statement. I have no recollection beyond what is stated in this note.

R.O. & A.C.

Sd/- M. Munir.  
President,

Sd/- M.R. Kayani.  
Member.

13th January 1954.

Statement of Mr. Ejaz Husain, District Magistrate,  
Lahore, on S.A.-

To Mr. Fazal Ilahi, on behalf of the Punjab Government:

Q. Did you attend a meeting of officers on 27th or  
28th February, to consider the situation arising  
from the disturbances ?

A. No.

Q. Did you receive any instructions from Government  
as to how to deal with the situation after the  
threat of 'Direct Action' had been put into  
execution ?

A. (After refreshing his memory from certain files  
the witness states)

Yes. On 28th February 1953 I received written  
instructions from the Chief Secretary, para 3 of  
which directed District Magistrates not to make any  
further arrests unless local circumstances created  
an absolute necessity for such action.

Q. Did not you feel that these instructions in a way  
obstructed your discretion as a District Magistrate ?

A. No. It was a piece of advice to me not affecting my powers or discretion as a District Magistrate.

To Court:-

Q. Did you make any further arrests ?

A. Yes.

Q. Were these arrests made by you in exercise of your own discretion or were you advised by any other officer to do so ?

A. Certain arrests were made on the advice of the S.S.P. and, of course, when we met an unlawful assembly, we effected arrests at the spot.

Q. What did the words "further arrests" used in this letter mean ? Did they not mean the arrest of persons of the same character as those who were arrested in pursuance of the order of Government.

A. Yes.

Q. Did you arrest any such persons ?

A. I cannot say.

Q. Did it come to your notice as District Magistrate that apart from the persons whose arrests had been specifically ordered under this letter, there were



other prominent persons who were sponsoring the Direct Action movement ?

A. I do not recollect this now.

Q. If the letter of the Government, instead of being worded as it is, had been thus worded:-

" Government direct that you should arrest certain specified persons. In addition, wherever you feel that any other person is responsible for supporting the agitation, you should unhesitatingly arrest him" - would you have felt that there was greater anxiety on the part of Government effectively to curb the agitation and greater scope left for the exercise of your discretion ?

A. No. I as a District Magistrate would have ordered his arrest, whether I had received the letter in its present form or in the form suggested.

Q. When did the activities of Maulana Abdus Sattar Niazi come to your notice for the first time ?

A. Probably on the 1st.

Q. Why did you not arrest him on that day ?

A. The activity that came to my notice was that he was staying inside the mosque of Wazir Khan but none of his actions or speeches was such that I should have

ordered his arrest.

Q. Was there any collection of men in Wazir Khan Mosque on 1st March ?

A. Yes.

Q. Did you go to Wazir Khan Mosque to verify what was being done there ?

A. I did not.

Q. Was it because you thought that the situation at Wazir Khan Mosque was too complicated and dangerous to admit of inspection ?

A. No.

Q. When did you go to Wazir Khan Mosque for the first time ?

A. After the Martial Law had been declared.

Q. Did you know that Wazir Khan Mosque was the hot-bed of the agitators ?

A. Yes.

Q. Then why did you not go to the mosque earlier ?

A. After I had promulgated section 144, it was for the police to go there.

Q. From what you have already stated, we infer that you did

not regard the activities of Maulana Abdus Sattar Niazi to be dangerous on the 1st of March. When did you think he became dangerous ?

A. It was reported on the 2nd that he was constantly criticising the Government and the administration and was rousing the feelings of the people towards anti-social activities.

Q. You say that the letter of Government put no restrictions on you to arrest such persons. Why did you not arrest him on the 2nd March ?

A. I am mistaken about the date. The prejudicial activities of Maulana Abdus Sattar Niazi came to my notice not on the 2nd but on the 3rd.

Q. Did you care to inquire why Maulana Abdus Sattar Niazi had entrenched himself in Wazir Khan Mosque ?

A. He generally stayed in Lahore in those days and his first coming into the mosque was nothing extraordinary. Later on when it came to my notice that he was more or less permanently staying in the mosque and rousing the feelings of the general public by speeches, I did seriously think of ordering his arrest.



Q. Was this on the 3rd of March ?

A. Yes I was thinking of ordering his arrest and had to discuss the matter with the S.S.P. In the meantime a Cabinet meeting was held in which I very strongly suggested that Maulana Abdus Sattar Niazi should be put under arrest but the consensus of opinion in the meeting was that he should not be arrested from inside the mosque.

Q. Did you not regard that as a curb on your discretion ?

A. Yes.

Q. Was there a feeling at the back of your mind that the discretion vested in you by the letter was subject to previous discussion with the Government ?

A. No.

Q. When your own view on the 3rd was that Maulana Abdus Sattar Niazi should be immediately arrested, why did you not exercise your powers of arrest vesting in you as District Magistrate ?

A. On the 3rd I had not finally made up my mind to arrest him and preferred to discuss the matter with the S.S.P. Before I had done that, there was a

meeting of the Cabinet and I placed the matter before it.

( The court told the witness that he had already made this reply in answer to a previous question, and that the present question had been put in consequence of that answer. The witness made no further answer. )

Sd/- M. Munir.  
PRESIDENT.

8th January 1954.

Sd/- M.R. Kayani.  
MEMBER.

O R D E R.

Adjourned till tomorrow when the examination of Mr. Ejaz Husain will be resumed.

Sd/- M. Munir.  
PRESIDENT.

8th January 1954.

Sd/- M.R. Kayani.  
MEMBER.

9th January 1954.80th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President,
Hon'ble Mr. Justice M.R. Kayani,	Member.

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Mr. Fazal Ilahi, assisted by Mr. Ijaz Ali,  
for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate, for  
Mian Mumtaz Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by  
Mr. Ghulam Murtaza, Advocate, for Sadr  
Anjuman Ahmadiyya, Rabwah.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya  
Anjuman-i-Isha'at-i-Islam.

Mr. Wazir Ahmad Khan, Advocate, for the  
Juma'at-i-Islami.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-  
Ahrar.

CAMERA.

Statement of Mr. Ijaz Husain Shah,

Witness No.133 (continued), on S.A.-

TO COURT:

Q. When were Niazi's prejudicial activities reported  
to you ?

A. I do not remember the exact date, but it may be fixed like this. He had made a very objectionable speech one evening and on the following morning I learnt about that speech, on which I sent for the S.S.P. and discussed the matter with him and requested him to let me have the diary of the speech. It was on that day that I was sent for to the room of the H.O.M. where a meeting was held at which the Chief Secretary, the Home Secretary, I.G., Assistant to D.I.G., C.I.D., and the Hon'ble Ministers were present.

Q. Where was this speech made ?

A. Inside the Wazir Khan Mosque.

Q. Before Niazi shifted to Wazir Khan Mosque, had any objectionable speech of his come to your notice ?

A. No.

Q. The Home Secretary has stated that the meeting in which Niazi's arrest was considered took place on 4th March and not on 3rd March as stated by you in your written statement. Can you now recollect what is the exact date on which you suggested his arrest ?



A. I wrote the statement from memory because I had no written record about it before me. It may be a mix-up of dates.

Q. The point is that if Government's instructions of 28th February did not restrict your freedom of action, why did you not take action against Niazi without reference to any other authority ?

A. It needs an explanation. In Lahore, whenever such arrests are ordered or are to be effected, the District Magistrate avails of the benefit of advice of higher authorities like the Home Secretary, and in this case particularly he should not have hesitated to consult Government. Similarly, when he discusses such matters with the Senior Superintendent of Police, the Senior Superintendent of Police in turn has the benefit of the advice of the D.I.G., Central Range, D.I.G., C.I.D., and the I.G.

Q. Did any objectionable speech outside Delhi Gate on 4th March come to your notice ?

A. The actual substance of the speeches came to

my notice after they had already been made. In fact, I had no information that a meeting was to be held on that date outside Delhi Gate.

Q. Who was the speaker ?

A. I think one of them was a Maulvi from Sialkot, and I do not now recollect any other person who had given a speech.

Q. Was this speech highly inflammatory and full of falsehoods ?

A. I have already touched on this point in my written statement. It was reported that very inflammatory and most objectionable speeches were made in that meeting.

Q. Did you arrest the speaker ?

A. In fact what happened was that we were still considering and gathering information about the proceedings of that meeting in the Police Station Civil Lines when we had to countenance with the situation of the murder of the D.S.P.

Q. Did you at any time consider the question of this man's arrest ?

A. I did not.

Q. When the arrests on 28th were made, were there any members of the Majlis-i-Amal in Lahore who had not been arrested ?

A. I cannot say.

Q. Did you consider the question of arresting members of the Majlis-i-Amal who had not been arrested in Karachi or in Lahore ?

A. This question was being seriously considered by the C.I.D. according to the information given to me by the S.S.P.

Q. What was then the decision taken ?

A. Some arrests were made, probably on the 27th and 28th, and thereafter the matter was never brought to my notice.

Q. Apart from the arrests which had been decided upon on the 27th ?

A. In fact, it was for the C.I.D. to decide as to who should be arrested, and the C.I.D. were considering the matter.

Q. Irrespective of the discretion vested in you by the letter of the 28th ?

A. After the letter nothing was brought to my notice as to what was thought or what they were contemplating in this regard. I think after the

letter no such arrest was made.

Q. If the Government's letter of 28th February did not fetter your discretion, was it not your duty as D.M. to take action under the Punjab Public Safety Act against the members of the Majlis-i-Amal ?

A. It was, in fact, my bounden duty.

Q. Why did you not then apply your mind to this question ?

A. This matter was under consideration of the C.I.D. and generally it is that branch which deals with such matters. ✓

Q. In your written statement, with reference to the incidents of the 3rd March, the following passage occurs:-

"I suggested that Maulana Abdus Sattar Niazi who had been instigating the public for the previous two days and was keeping himself inside the Wazir Khan Mosque at all times, should be arrested from inside the mosque as early as possible."

Do you now recollect that the first time when Niazi's objectionable activities came to your notice was on the 1st of March ?



A. No. This written statement of mine is based on the vague information about Niazi's going into the mosque given to me by the S.S.P.

Q. When did the S.S.P. give you this vague information ?

A. Probably it was on the 3rd when we met in my Court room as members of the tribunal under the Control of Goondas Act.

Q. Why did you consider it vague ?

A. Because he himself was not clear as to the exact time and date when Niazi had gone into the mosque.

Q. But the written statement does not show any such vagueness or confusion ?

A. I have based my written statement on the information given to me. As I have already submitted, his first prejudicial act was the speech. Before that we had no information.

Q. You have stated yesterday that your proposal to arrest Maulana Abdus Sattar Niazi from inside the mosque was turned down at the meeting of the Ministers, whether on the 3rd or the 4th of March. In respect of that proposal the Home

Secretary, Mr. S.Ghiasuddin Ahmed, has made the following statement:-

"It is not a fact that any proposal of the District Magistrate to arrest Abdus Sattar Khan Niazi was turned down. As a matter of fact, the decision was that preventive action should be taken against Niazi and that orders for his arrest under section 3 Punjab Public Safety Act should be issued. This was done as mentioned by me in my written statement on the same day."

Is this correct ?

A.If the Home Secretary is referring to the same meeting to which I have referred, it is a hard fact that I had suggested that Maulana Abdus Sattar Niazi should be arrested immediately from inside the mosque, but that was not approved of. There were, however, no two opinions about the arrest of Maulana Niazi.

Q.Please look at Ex.D.E.316, which purport to be minutes of the conference held in the office of the Chief Minister on the 4th March 1953. Paragraph 2 (1) is in the following terms:-

"Preventive action should immediately be taken against Niazi and orders for his arrest under section 3 Punjab Public Safety Act should be issued by the Home Secretary."

Is this a correct report ?

A. This is correct, but the proposal that was turned down was the arrest of Maulana Niazi (1) immediately and (2) from inside the mosque. ✓

Q. Did the decision stated in the minutes imply that he was to be arrested at a later date, say 30 days later, after he had himself chosen to leave the mosque ?

A. Probably I have not made myself clear. My proposal was that Maulana Niazi should be arrested forthwith from inside the mosque, but consensus of opinion in the meeting was that he should not be arrested while he was inside the mosque; the arrest should be effected when he was outside the mosque.

Q. This is not an answer to our question, which arised out of the very fact that according to your interpretation of the decision at the conference, Maulana Niazi was not to be arrested immediately and in the mosque ?

A. With due deference I must say that this is not my interpretation. There were no two opinions about his arrest. We were all agreed that he was to be arrested, but the decision was that the ✓



arrest should be effected when he was outside the mosque. Probably at the back of this decision was a feeling of sanctity for the mosque.

Q. When was Niazi expected to leave the mosque ?

A. One could not tell.

Q. Would the decision of the conference be effective if your interpretation is placed on it ?

A. No, and that was my grouse.

Q. Was not the object of ordering Niazi's detention to prevent him from making any further speech in Wazir Khan Mosque ?

A. It was.

Q. If, therefore, he was not to be arrested while he was in the mosque, did not the order of detention, on your interpretation, amount to an absurdity ?

I do not say that. In fact, I wanted him to be arrested immediately by going into the mosque, but the trend of the discussions at that time was that the arrest should be effected when he was outside the mosque. As regards the orders contained in the minutes, of which I had no knowledge, the police must have taken the necessary action.

Q. Does it mean that although ostensibly they disagreed



with you, they issued the order without your knowledge ?

A. Yes. And the police must have attempted to implement this order, though it is within my knowledge that he was not arrested on that date.

Q. As to this the Home Secretary has said:-

"I accordingly issued an order under section 3, Punjab Public Safety Act, the same day. Abdussattar Khan Niazi remained throughout in the Wazir Khan Mosque, except for some time when he came out to deliver another fiery and objectionable speech outside the Delhi Gate. The order of arrest could not be served on him as according to the Criminal Investigation Department's report the mosque swarmed with agitated masses."

We take this statement of the Home Secretary to mean that it was intended to arrest Maulana Niazi from inside the mosque but that the order could not be executed because the mosque was swarming with agitated masses. Is our interpretation of Home Secretary's statement correct ?

A. This interpretation of the Hon'ble Court is correct.

Q. Does it fit in with your version that your proposal to arrest Niazi from the mosque was

turned down ?

A. Yes.

Q. Is the reason recorded in this version by the Home Secretary also correct ?

A. It would be correct if an attempt had been made to effect the arrest and the agitated crowds had intervened, but I think no attempt was made at all to arrest him inside the mosque.

To Mr. Fazal Ilahi, Advocate, on behalf of the

Punjab Government:

Q. Do you now agree with me that the Government's letter dated 28th February gave you the impression that Government had to be consulted before any further arrests were made ?

A. There is no question of impression. It was an order for me that I should consult Government, unless the arrest became an absolute necessity and there was no time to consult Government.

Q. You remember that there was a camp of volunteers outside Delhi Gate in those days established by the Majlis-i-Amal and the object was to send volunteers to Karachi from here ?

A. Yes. Some volunteers had collected in Lahore for being sent to Karachi.

Q. You also remember that some batches of volunteers did leave Lahore for Karachi ?

A. Yes.

Q. After reading this letter, para 4 (a), will you please state what policy you were following with regard to volunteers leaving for Karachi ?

A. The first step I took was that I circulated this letter to all the magistrates for compliance and for its wide publicity. But at the time when this letter was received, the Majlis-i-Amal had given up the idea of sending volunteers to Karachi and had changed the venue to Lahore.

Q. Did you take this letter of Government to mean that volunteers proceeding to Karachi were to be arrested ?

A. No.

Q. Did Government subsequently issue any instructions regarding volunteers intending to proceed to Karachi ?

A. Yes. On 4th March instructions were received from the Home Secretary that persuasive methods should be adopted in the first instance to dissuade batches of volunteers from proceeding to Lahore or Karachi and that if such methods failed then appropriate preventive action should be taken. These instructions were issued as a result of the decisions taken at a meeting of officers held at the Civil Lines Police Station attended by the Home Secretary, the I.G.P., S.S.P. and myself. At that meeting I had drawn the attention of those present that volunteers from the mofussil were pouring into Lahore and that the Deputy Commissioners of the districts should stop the coming in of such volunteers. I have referred to this matter in my written statement.

Q. Were there no earlier instructions by Government to stop volunteers from proceeding to Karachi ?

A. No. The fact is that no volunteer left Lahore after the 28th February.



Q. Did the situation ease on the 3rd of March ?

A. Yes. In fact as Mr. Anwar Ali put it, half the battle had been won.

To Court:-

Q. Did the military withdraw their troops on the 3rd or the 4th without your consent ?

A. No.

Q. What was the reaction of the Chief Minister to the proposal of arresting Maulana Niazi ?

A. I do not know.

Q. Were there any processions on the 28th February, the 1st and 2nd of March ?

A. Yes.

Q. Did not these processions give you the impression that, if not stopped, they might complicate matters for the authorities ?

A. The processions on the 28th February and 1st March did not give that impression, but the one on the 2nd did so.

Q. How many processions were there on the 28th ?

A. I cannot tell the total number; but I think there was only one.

Q. What was the strength of this procession ?

A. When it started from Mochi Gate, it was barely fifty or sixty persons, but when it passed through Anarkali some other persons joined it and at the Charing Cross it was hardly 200.

Q. And the number and strength of the processions on the 1st ?

A. It was practically the same, except that the number may be a little more.

Q. And the strength of the procession on the 2nd ?

A. The strength of the procession on the 2nd was huge and it was led by Maulana Akhtar Ali Khan. A part of it came via Cooper Road from behind the Assembly Chambers, but the main body of it came along the Mall.

Q. You expected no trouble in Lahore after the arrests had been made on the 28th ?

A. No.

Q. You thought that after the arrests there would be no protests, no hartals, no public meetings, no processions and no rowdyism ?

A. Yes.

Q. It is for this reason that you did not make an order under section 144, banning processions ?

A. The main reason was that neither during the meeting of the 28th February nor at any earlier time was I advised to impose section 144.

Q. When was the question of making an order under section 144, banning public assemblies, first considered ?

A. On the 2nd March.

Q. Who were the officers who discussed this question ?

A. I have mentioned in my written statement that they were the Commissioner, Lahore Division, the I.C.P., the Home Secretary, the D.I.G. and the S.S.P.

Q. Do you think if the processions had been stopped on the 28th February and the 1st March, there would have been no processions on the 2nd ?

A. It cannot be said with certainty, because small processions were generally taken out in Lahore. There had been processions on the 26th and even before that.

Q. Would it have done any harm if you had made an order under section 144, banning processions simultaneously with the arrests ?

A. It would have restrained civil liberties.

Q. If Government decide to arrest the sponsors of the movement, don't you see any ground for stopping demonstrations in

favour of that movement by an order under section 144 ?

A. It all depends upon the circumstances. If very popular leaders are arrested, there may be reaction warranting action under section 144, but if nonentities are arrested there may be no reaction at all and thus no proceedings under section 144 may be warranted.

Q. Should we take it that the question of the imposition of section 144 was not discussed with the Home Secretary or the Chief Secretary or the Chief Minister on the 28th February, the 1st March and before the processions of the 2nd ?

A. It was discussed on the 28th February with the Home Secretary, the Commissioner, the I.G.P., the D.I.G. and the S.S.F. We were all of the view that there was no need to make an order under section 144.

Q. Was it because you thought that the persons arrested on the 28th February were nonentities ?

A. Yes.

Q. Did there exist others who were not nonentities but whose arrest was not ordered on the 28th February ?

A. No.

Q. Were you aware of the volume and intensity of the public feeling on the question which brought about the disturbances?



A. Yes. The feeling was widespread, but not to the extent that trouble could be apprehended on the 28th February and the 1st March. It was just as much as it was before these dates.

Q. Being aware of that feeling and of the policy of Government in the matter, why did you not nip the trouble in the bud by making appropriate orders under section 144 regarding the assembling of persons in public places, particularly in view of the fact that in Lahore section 144 had in the past been invoked on the most trivial grounds ?

A. It was not only my opinion but the opinion of the Home Secretary, the Commissioner, the I.G.P., the D.I.G. and other officers that the imposition of section 144 was not called for on the 1st and the 2nd. On no occasion during the past one year had this section been invoked on a trivial occasion.

Q. Were you not deceiving yourself over an issue like this when you assumed that there would be no trouble ?

A. No, because although this had been the subject-matter of discussions and meetings not only in Lahore but in the whole of the Province, the atmosphere in Lahore had remained most peaceful and the sponsors of the so-called

agitation had been cooperating with the administration.

I had, therefore, not the least fear that there would be trouble in this town,

Q. Were you aware of what those who could threaten with "Direct Action" could do ?

A. In fact the general impression was that if they would do any thing at all it would be in Karachi.

Q. When did you come to know that Lahore was also to become the centre of the trouble ?

A. On the 28th February.

Q. When you came to know on the 28th that thenceforward Lahore was to be involved in a storm, why did you not take any preventive action immediately ?

A. At that time I knew that they would not have any following worth the name, because the first meeting that was held on the 28th was attended by very few persons.

Q. Did you hesitate to take any preventive action because of the delicacy of the issue ?

A. No.

Q. If you had made an order under section 144, how would Lahore have taken it, if your appraisal of the situation were correct ?

A. It would have been considered a wrong step.

Q. Would it have roused public indignation against Government?

A. It is possible.

To Mr. Asadullah Khan for Sadr Anjuman Ahmadiyya Rabwah:-

Q. Is it correct that "frierly speeches calculated to excite the fanatical section of the audience were made" in connection with the agitation and the direct action challenge even in the first half of February 1953 in Lahore ?

A. No. (Witness was confronted with his confidential fortnightly report to Government for the first half of February, where the passage cited within commas occurs.)

Q. Were you not then of the opinion that "in the event of the slightest appearance of an ugly situation, strong counteracting measures" would be "needed to preserve peace and order? "

A. Yes.

Q. You have stated that the situation with regard to the processions on the 1st of March 1953 was almost the same as on the 28th February. With regard to the 28th of February, you have said that there was only one procession. Is it correct that on the 1st of March



there were at least five to eight processions ?

A. It is possible that this might have been the number of the processions on that day but I know of only one main procession.

To Court:-

Q. What was the number of persons comprising the procession which was stopped at the Charing Cross on the 28th ?

A. About three or four hundred.

Q. And the number of persons collected to see the tamasha ?

A. An equal number might have collected there because the traffic had become "jammed".

Q. In your confidential report for the second half of February, 1953, you put the number at six thousand. Is that correct ?

A. That is merely an oral estimate of all persons collected at that place.

To counsel continued:-

Q. While describing in your written statement the duties of Magistrates on 1st March, you have



referred to a series of processions. Is that statement correct ?

A. Yes. In fact, however, there was only one important procession and it was the one that passed through Anarkali, the Tollinton Market and the Mall.

Q. Would not in your opinion the fact that you had to arrest thirty persons from a "small procession" be at least the slightest indication of an ugly situation ?

A. No.

To Mr. Fatch Muhammad Aziz on behalf of Ahmadivva

Anjuman-i-Isha'at-i-Islam:- Nil.

To Mr. Mazhar Ali Azhar on behalf of the Majlis-i-Ahrar:-

Q. You have stated that a meeting of about 500 persons was held outside Akbari Gate, after which 25 persons were garlanded and marched in a procession to court arrest. Would it not have been better if you had arrested them when the procession started instead of waiting until they had passed through the Circular Road, the anarkali and the Mall ?

A. This report is based on information received afterwards.

There was no ban on processions and there was no point in marching innocent persons to the Kotwali unless they had contravened the law.

To Court:-

Q. Then why were Maulvi Ghulam Din and 30 other persons arrested? What offence had they committed ?

A. They had obstructed traffic and were determined to commit breach of the peace.

Q. In what way ?

A. By using violence against the public servants who told them to clear out of the public way.

Q. Under what law were they arrested ?

A. Under sections 107 and 151.

Q. What happened to their cases in Court ?

A. I cannot say offhand.

Q. Were their cases put in Court at all ?

A. I am not sure.

Q. As District Magistrate you must know whether these persons were prosecuted or not ?

A. The cases were reported by the police and in the ordinary course they must have been put in court.

Q. Why did you not say in your fortnightly report or in your written statement that they had engaged themselves in acts of violence ?

A. I did not consider it worthwhile.

Q. When you said in your written statement with reference to the incident of the 2nd March that the processionists appeared to be "inclined to violence", why did you not say so in respect of the incidents of the 1st March or the 28th February ?

A. On the 1st the procession was not so big and in fact Maulvi Ghulam Din was advising others who wanted to court arrest to come out peacefully but the processionists were not in a mood to clear out of the roads. Arrests had, therefore, to be made. On the 2nd the procession was definitely violent.

Q. The Inspector General of Police has stated in his written statement that Maulvi Ghulam Din and his companions were not prosecuted. Can you now recollect whether the cases of these persons were put in Court or not ?

A. No.

Q. Is it a fact that these persons were put into lorries and dumped a long distance away from Lahore ?

A. I do not know.

Q. Could they have been so treated in your opinion ?

A. This method is sometimes adopted in such situations.

My opinion is that if an assembly is declared unlawful, the Magistrate has the power to confine a man temporarily. At the moment I cannot volunteer an opinion about the legality of such persons being dumped at a long distance from Lahore.

To counsel continued:-

Q. Is Kotwali only a furlong away from where the procession started on the 28th ?

A. No.

Q. Is it not true that the traffic was obstructed not by the processionists but because you stopped them from proceeding beyond the Charing Cross ?

A. No. They themselves stopped there and wanted to offer arrests.



To Court:-

Q. By mutual arrangement ?

A. No, of their own free will.

Q. Was it not your policy on that and subsequent dates and had you not issued instructions to your Magistrates to the effect that processions were not to be permitted to proceed to the Government House ?

A. Yes.

To counsel contd:-

Q. You have stated on page 2 of your written statement that as the leaders had been arrested, it was expected that the agitation would itself fizzle out. Were you yourself of that view or did somebody else suggest it to you ?

A. This was the view of us all.

Q. How did the news about the tendering of an apology by Maulana Akhtar Ali Khan leak out ?

A. I have no information about the apology or the leakage.

Q. You have stated on page 4 of your written statement that on the basis of the Home Secretary's letter to

the G.O.C., you made a reference to the S.S.P. as regards your requirements of troops but that no reply was received. Did you talk about this this matter thereafter to the S.S.P. or bring it to the notice of the I.G. ?

A. No.

Q. Would you call the 3rd of March a peaceful day if some processions were taken out and dispersed on that day, as stated by you in your written statement ?

A. Yes.

Q. Is it correct that on that day volunteers offered themselves for arrest but that they were lathi-charged ?

A. No, not to my knowledge.

Q. You have stated that Maulvi Muhammad Yusuf made a speech on the 4th. May I remind you that one Maulvi Salimullah also made a speech on that day ?

A. I do not know.

Q. Has not Maulvi Salimullah's case come to your notice ?

He is said to have made a confession and was to be examined as a P.W. at the trial of Maulana Abdus Sattar Niazi.

A. No.

To Court:-

Q. Surely you must know the name of the Maulvi who displayed the leaves of the Holy Quran alleged to have been torn away because a police officer kicked it ?

A. All that I know is that he was a resident of Sialkot.

To counsel contd:-

Q. Did you not hear the recorded speech of this Maulvi ?

A. No.

Q. Was it ever reported to you that Maulvi Muhammad Yusuf had been shot dead ?

A. No.

Q. Did you issue any warrants for his arrest ?

A. No.

Q. Did it come to your notice that another Maulvi of the name of Muhammad Yusuf who lived in Muridke was arrested and kept in jail ?

A. It is too minor a detail for me to remember.

Q. Did you not, after the murder of the S.D.P. suggest that the Military should take over ?

A. No. I did not suggest in so many words that I was handing over to the army. In fact what happened was that when the news about the murder of Sayyed Firdaus Shah was received in Police Station Civil Lines, the military Liaison Officer was not present. I contacted the Home Secretary and the I.C. They came to the Civil Lines Police Station and hurriedly left for the Kotwali. I had already sent the City Magistrate to that place. I stayed behind to contact the G.O.C. and inform him of the occurrence and also to secure the presence of the Liaison Officer in order to ask him to move out the troops to the Kotwali because they might be needed for operation inside the city. The G.O.C. could not be contacted but the Liaison Officer came up and after telling him that I might have to hand over the situation at the Wazir Khan Mosque to the army, asked him to move the troops to the Kotwali. I then went to the Kotwali and discussed the situation with the C.O.C. who had turned up there. Then I got busy in drafting the curfew order.



Q. The I.G. has said in his written statement that as soon as you heard of the murder of the D.S.P. you decided to hand over the situation to the military and that the I.G. told you that your orders were not correct and that there was no need at that stage to surrender control to the army. Is that correct ?

A. No.

Q. What was the name of the Liaison Officer ?

A. I think I have wrongly mentioned Captain Nazeer Ahmad in my written statement. The correct name is Major or Captain Ata.

Q. You have stated in your written statement that the D.S.P. was stabbed and murdered in the chowk. Where did you get this information from ?

A. This was being generally said at the Kotwali. Subsequently I also read it in a special report.

Q. Did you go to the place where the D.S.P. was murdered ?

A. No.

Q. Were you inclined to go there ?

A. I very much wanted to go there but as I had got

busy in discussing the matter with the G.O.C. and drafting the curfew order, I could not go there.

To Court:-

Q. Did any one of the higher officers go there ?

A. So far as I know, none went there.

Q. Did any police officer go there ?

A. No.

Q. How is it that all officers rushed to the Kotwali and none of them went to the place of murder ?

A. I can say only about myself. The news about the murder of the D.S.P. did not reach the Civil Lines Police Station very soon after his death. When I reached the Kotwali, his dead body had already been brought there.

Q. Who brought the dead body to the Kotwali ?

A. It was reported to me that Muhammad Shafi Badmash had brought the dead body.

Q. Did you subsequently find any time to visit the place of murder ?

A. No, because I had no particular duty to perform there.

Q. Is it not correct that all the officers were afraid of going to Wazir Khan Mosque for reasons of personal safety ?

A. I cannot say.

Q. Was the situation such that you could have, without apprehending any danger, gone to Wazir Khan Mosque if you had so wished ?

A. I could go there after taking precautions for my safety.

The police certainly could have gone there and should have gone there as a murder had been committed and investigation was to be conducted at the spot.

(At this stage Mr. Muhammad Husain, S.P., C.I.D., states that the place of murder was visited early on the 5th morning by Mr. Alam, D.I.G., Lahore Range, Malik Habibullah and by himself and that on the arrival of the police the agitators fled and disappeared into the lanes.)

To Counsel contd.-

Q. Did you feel on the evening of the 4th, after the murder of the D.S.P., that the walled city was in your control and in the control of the civil administration ?

A. There was no occasion for me to ponder over that at that time because before that it was in a perfectly peaceful order.

To Court:-

Q. When did the activities in Mosque Wazir Khan come to your notice ?

A. I cannot give the exact date. In fact, the activities were already taking place since a long time past as khutbas were being delivered in which references were made to the Khatm-i-Nubuwwat.

Q. When did you first receive information of the collection of mobs in Wazir Khan Mosque ?

A. On 27th or 28th February or on 1st March. In fact, they were not mobs but were outsiders who had come into Lahore and had no other place to stay except that mosque.

Q. You did not consider this collection in any way ominous?



A. No.

Q. Was this collection in any way unlawful on 3rd March ?

A. No.

Q. People collecting there were not contravening any order under section 144 ?

A. I think not, as they were inside the mosque and their behaviour was not unruly.

Q. You did not consider it necessary to go to that mosque before the murder of the D.S.P ?

A. No, as I had no particular duty to perform there.

In that connection, however, I was constantly being posted with the latest information by my City Magistrate, the D.S.P. and the S.S.P.

Q. Was the collection in Wazir Khan Mosque on the 4th unlawful ?

A. On the 4th the trend of the speeches was most objectionable but it was a moot point whether the gathering inside the mosque could be considered an unlawful assembly or not.

Q. Had civil power been deposed from Wazir Khan Mosque after the murder of the D.S.P ?

A. No. We had police posted round about the mosque as usual.

Q. Was any endeavour made to disperse the mob from the mosque after the murder of the D.S.P. before the proclamation of Martial Law ?

A. I cannot say. The police must have considered this question.

Q. Was it not your duty as District Magistrate to see that after the murder in that mosque on the 4th, the mosque was cleared ?

A. Yes, and we had been very seriously considering this matter. I had to depend on the police, and their senior officers were very experienced. The I.C. was virtually in command and I know that he and the Senior Superintendent of Police were giving their anxious thought to it. In fact, we discussed this problem also in the Kotwali in the presence of the G.O.C.

Q. Why did you not require the police to clear the mosque ?

A. We all knew that it was a big menace and the police was fully alive to their duty and did not require any formal order from me. In fact, the curfew had already been imposed.

Q. Seeing that the police were failing in their duty in respect of clearing the mosque, did you not feel it your duty to give them any direction ?

A. I would not say that they were failing in their duty. They must have been considering to discover the best method of how to achieve this end.

Q. Was there a time limit to the making of this discovery ?

A. It needed time to consider it and to come to a reasonable decision.

Q. How long did you continue bestowing "serious consideration" on the situation ?

A. In fact, it was being considered from the beginning and more thought was given to it after the murder of the D.S.P.

Q. Were every officer and the Ministry considering this matter, say, from the 1st of March onwards ?

A. It was from the time when Maulana Abdus Sattar Niazi delivered the "fiery speech", whether on the night of the 2nd or the 3rd.

Q. Did this "serious thought" lead to anything tangible at any time ?

A. The police must have taken some action in that regard.

Q. Was your duty confined to the bestowal of serious thought only on the situation or to making any suggestion also or passing any definite order ?

A. No particular order was needed from me as we all were alive to the danger.

Q. Are you not the head of the police ?

A. As District Magistrate I was head of the police.

Q. Was the mosque out of bounds for civil power after the murder till the proclamation of martial law ?

A. No.

Q. Then why was no effort made to disperse the mob that had collected in the mosque ?

A. Effort must have been made by the police to tackle the situation. I made an effort in a way. I collected the notables of the town on 5th morning in my office and held a meeting with them and during that meeting I made a reference to this menace. In fact, at my instance some of the notables, ladies and gentlemen, went to the mosque on the 6th at about 12 noon, to persuade the hooligans to disperse.



Q. If the mosque had become a menace on the morning of the 5th, why did you not direct the police to have it cleared?

A. No particular direction was needed from me as the police knew the situation fully well.

Q. Would it have made any difference to the police if there had been no District Magistrate in Lahore ?

A. It would certainly have made a difference because, in the absence of the District Magistrate, there would have been nobody to direct their action and to supervise their activities.

Q. Then why did you not direct their action ?

A. Because there must have been some difficulty in their way.

Q. Did you try to find out that difficulty ?

A. I had not to look after Lahore only. I was terribly busy. My presence in the Civil Lines Police Station was needed on the 5th morning and 6th morning as thousands of students were taking the matriculation examination and we were getting frantic telephone calls from their parents. My attention was also devoted towards Kasur where the situation was pretty nasty on the 5th. There was also trouble in Pattoki

and a few other towns in the district.

Q. The Court wants to make a suggestion. In Lahore the District Magistrate felt that he had not to take any initiative but that wherever superior authority thought that he should sign a particular order under the law, he would sign it without investigating into its necessity. Is that correct ?

A. No.

Q. Do you know whether the police, in fact, made any effort to clear the mosque ?

A. No.

Q. If a gathering of this kind had taken place in a building other than a mosque and a murder had been committed inside or just outside that building, would it not have been your first duty to have that building cleared of the rioters ?

A. Yes. It was precisely in consideration of this that I suggested the arrest of Maulana Abdus Sattar Khan Niazi from inside the mosque. If he had been arrested, I have reason to believe that the mosque would have been cleared itself.

Q. Therefore, your indecision to issue directions to the police to clear the mosque was due to the

fact that the building in which people had collected was a mosque ?

A. This matter did not weigh with me and I was for its clearance even by force.

Q. Do you think the police could have cleared it on the 4th evening or the 5th morning ?

A. It could have been cleared at the cost of many lives and perhaps damage to neighbouring property.

Q. Was that a consideration why it was not cleared ?

A. It probably was one of the considerations with the police as they knew that there were firearms inside the mosque.

Q. Assuming that the mosque had become "out of bounds" to civil power on and after the 4th, would it not have been your duty to ask the military to take over ?

A. The Inspector-General of Police felt that the police could cope with the situation in the mosque and I knew that the army were available to supplement the police. It should have been possible, of course at the cost of life and property, to get the mosque cleared.



Q. You expected no charge of sacrilege if you or the police had acted in the manner suggested ?

A. I think the intelligentsia and respectable persons did not like that gathering, and they would not have charged me with sacrilege; but the man in the street and the Ulama would have lost no time in levelling that charge.

Q. What important things did Niazi say in his fiery speech ?

A. I do not remember all, but it was a very scathing condemnation of the Government and the police and probably he had addressed the I.G. telling him that the mouths of his guns should have been towards Amritsar and not towards the Muslims and towards our own State.

To Counsel contd.-

Q. After the speech, why did you not ask Maulana Niazi to surrender ?

A. I came to know of the speech a long time after it had been made. In fact, I had asked the S.S.P. to arrange that Maulana Niazi comes out of the mosque. The difficulty was that according to the reports the main gate of the mosque was



kept constantly locked from within.

Q. And were no people coming out or getting into the mosque all the day ?

A. I do not know.

To Court:-

Q. Did not Maulana Abdus Sattar Niazi say in that speech that the movement was being run by the Chief Minister in his own interest ?

A. I do not recollect.

Q. Maulana Abdus Sattar Niazi says in his written statement that in his speech he did charge the Chief Minister with having originally started the movement against the Centre and then subsequently misleading the people after it became apparent that the movement had recoiled on himself. Did no such speech come to your notice ?

A. I have no definite recollection of it.

Q. Did you come across any official version of Maulana Niazi's speech ?

A. I do not remember.

To Counsel contd.-

Q. You have said in answer to a question by the Court that you never awaited instructions from your

superior officers before issuing orders. Is it  
a fact that when you went to a meeting of officers  
on the 1st, you had the draft of an order under

. section 144 with you ?

A. Yes. It was drafted by the Superintendent of my  
office at my instance, and it was on the file.

To Court:-

Q. You, therefore, thought that on the 1st an order under section 144 was necessary ?

A. I thought that an occasion to promulgate an order under section 144 of the Criminal Procedure Code might arise. Therefore I had an order drafted.

Q. Did you suggest at that meeting that you intended to promulgate an order under section 144 and that you had a draft of it ready with you ?

A. No.

Q. It is for the District Magistrate to consider whether an order under section 144 should or should not be made. Should we take it that somebody else and not you mentioned section 144 in that meeting ?

A. I cannot say whether I was proposing it or some other officer proposed it, but I have one thing very clear in my mind that under the Lahore Emergency Disturbances Scheme I should have been approached by the police for the imposition of section 144.

Q. Then why did you prepare the draft, if you thought that you could make an order under section 144 only if the police requested you to do so.

A. It is generally done on such occasions so that time is not wasted.

Q. It is an important question. Please recall who brought in for discussion section 144 - yourself or somebody else ?

A. I do not correctly recollect, but this was the main question discussed during the meeting.

Q. If somebody else had not raised that question, you must have done that ?

A. Yes.

Q. On the 2nd of March you promulgated an order under section 144. Did you do so because the police required you ?

A. No. It was entirely on my own initiative and when I put it in the meeting, all said "yes" to it.

To counsel (continued):-

Q. Why did you exclude the walled city from the operation of section 144 order ?

A. There was no likelihood of the disturbance of peace within the walled city.

To Court:-

Q. Were disturbances apprehended only outside the walled city ?

A. Yes.

Q. Was not the exclusion of the walled city due to the



consciousness that it had become impossible for the civil authorities to enforce an order under section 144 in the walled city ?

A. I excluded it because I knew that there was not the remotest chance of the disturbance of peace and order within the walled city. During my discussions with the S.S.P. he did once mention that it was difficult to enforce section 144 within the walled city, but that was just a matter of discussion and there was no idea of imposing it in that area.

Q. And you did not agree with that view of the S.S.P. ?

A. In fact I did not express any opinion at that time, but now I feel that it would have been difficult to enforce it.

Q. Did you consider a revision of your view necessary on the evening of the 4th March as to the inclusion of the walled area, after the D.S.P.'s murder ?

A. Yes, and I passed a curfew order.

Q. Did the curfew order include the walled city ?

A. I was not advised to impose curfew within the city walls.

Q. From whom did you expect this advice ?

A. The I.G.P., the Home Secretary and the S.S.P.

Q. You thought the people in the Civil Lines were more turbulent than those in the walled city ?

A. No. The question was that processions were expected only to march outside the walled city.

Q. Where were these processions organised ?

A. Outside Delhi Gate.

Q. Throughout the period ?

A. Yes, except that some might have been organised in the cantonments as well as in Baghbanpura, but these were small processions.

Q. Was any procession organised outside Delhi Gate after the 4th ?

A. No procession was organised outside Delhi Gate in particular on the 5th, as on that day a large number of processions were found moving about inside and outside the city walls.

Q. When did processions begin to originate from the Wazir Khan Mosque ?

A. I think no procession ever came out from the Wazir Khan Mosque.

To counsel (continued):-

Q. Was curfew order promulgated on the 4th applicable to the walled city ?

A. I think it did not apply to the walled city.

Q. And the curfew order of the 5th ?

A. That also did not apply.

Q. Did you exclude the walled city from the operation of the curfew order because you apprehended that you would not be in a position to enforce it in the city ?

A. I had no such apprehension, but at the same time I was not advised to impose the curfew order within the city walls. Under the Lahore Emergency Disturbances Scheme, it is the police who have to move me for the imposition of such a ban.

Q. Talking of the imposition of section 144 on the 2nd March, the S.S.P. says in his written statement:-

"It was also decided that section 144 be promulgated by the District Magistrate throughout the Corporation area of Lahore excluding the walled city bounded by the Circular Road. The walled city was excluded as the Inspector General thought inside the city was always crowded and it might not be strictly possible to enforce the restriction."

Is his view correct ?

A. As I have already said above, this is correct.

Q. When you could not impose a restriction under section 144 or a curfew order, what prevented you from having the aid of the military in respect of controlling the walled city ?

A. On the 2nd there was no necessity to impose section 144 within the walled city and on the 4th it could have been enforced with stronger force at the cost of a larger number of lives.



Q. Was it for this reason that you did not require the military to come to your aid ?

A. The Military had already been asked to come to our aid in this matter, without promulgating any order.

Q. What aid did you expect from the military in clearing the Wazir Khan Mosque and in the investigation of the murder case of the D.S.P. ?

A. No military aid was required for the investigation of the murder case. For the clearing of the mosque the police could avail of the assistance of the army as the latter had been called in aid of civil power, which means that they had been called to supplement the police.

Q. Did you, as head of the police, ask the military to clear the Wazir Khan mosque ?

A. My duty was to pass orders and the ground work was to be done by the police.

Q. Did you pass an order ?

A. There was no need to pass an order as we were all very clear in the matter that the mosque should be cleared of the hooligans and the police were alive to it.

Q. You have referred to some hooligans being present in the mosque. Who were they ?



A. After the murder of the D.S.P. on the 4th March almost every one in the mosque was a hooligan.

Q. Including Maulana Abdul Hasanat's sons ?

A. Yes.

Q. If there were hooligans in the mosque, why did you not require the military to clear it ?

A. The military were there to supplement the police and it was the duty of the police to have the mosque cleared.

Q. Is a hooligan the same as a goonda ?

A. It is difficult to define these terms, and to me it is as difficult as to define the term "Mulla".

Q. Can you tell me whether you have got any lists of goondas in your office ?

A. We have got a list of goondas registered under the Control of Goondas Act.

Q. What is the number of goondas in the Corporation area of Lahore ?

A. It may be about sixty.

Q. Do they include those under section 110 ?

A. There may be some, but I do not know.

Q. What is the number of badmashes on Register No: X ?

A. I cannot tell you, It is for the police to do so.

Q. Did you make any suggestion to the police on the evening of the 4th that the mosque should be cleared of the people with the assistance of the army ?

A. It was for the police to take the aid of the military if they wanted to clear the mosque.

Q. Were the military unwilling to assist the police ?

A. No. On the night of the 4th they went to the Tibbi Police Station as required by the civil authorities.

Q. How many times did the police fire on the 4th after the murder of the D.S.P. ?

A. I cannot tell the exact number of places where firing had to be resorted to.

Q. Do you have any record of the firings ?

A. It must be with the police.

Q. Did you yourself see the posters which required the police to lay down their arms because the people were engaged in a ihad ?

A. No.

Q. Was the person who issued these posters located and prosecuted ?

A. At some stage a person was found writing something

to that effect on a wall. The police should be able to give further particulars of it.

Q. Did any Magistrate complain to you that he had asked the military to take action but that they had refused to do ?

A. No.

Q. Did you not tell the I.G. that some Magistrates had made such complaints to you ?

A. No. If the I.G. has said anything to the contrary, he must be mistaken.

Q. Were you at the Government House on the 6th ?

A. I happened to go there at about 10.30 or 11 in the morning.

Q. In your written statement you have said that a patrolling vehicle was bombed resulting in two fatal casualties to the military personnel outside the Mori Gate. Are you sure of this ?

A. I am sure that there were two casualties of military personnel one of which was the result of the throwing of a bomb outside the Mori Gate but what I have said about the bombing of the vehicle is based on information received.

Q. Was any case put in court in respect of this incident ?

A. No, because when this incident is supposed to have taken place, Martial Law had been proclaimed.

I understand that the military made some investigation into this incident but could not locate the culprit.

Q. At what time did the firing on students near the Tollinton Market on the 6th March take place ?

A. About 9 o'clock in the morning.

Q. What were the casualties ?

A. None.

To Court:-

Q. Number of the rounds fired ?

A. One.

To counsel continued:-

Q. In your written statement you emphasise the free grant of arms licences as one of the factors contributing to lawlessness. Were any firearms used by any one against the police before the declaration of Martial Law ?

A. I cannot say.

Q. What was the number of licensed arms in the city ?

A. It runs into thousands.

Q. And the estimated number of unlicensed arms ?

A. Many.



Q. Running into several thousands ?

A. I cannot say.

Q. Did not the police give you any information about the number of unlicensed arms ?

A. No.

To Maulana Murtaza Ahmad Khan Maikash, for the Mailis-i-Amal:-

Q. Was not a complaint made to you on the 6th that some uniformed persons were firing at the public from jeeps or other motor vehicles ?

A. I was present in the Civil Lines Police Station and the S.S.P. was with me when we heard that a jeep was seen somewhere near the Temple Road in which some persons in uniform were seated and were firing indiscriminately. It was also reported to us that the jeep was flying a Red Cross flag. Mr. Gibbons, Secretary of the Red Cross, was asked about it and he made some inquiries but the police were unable for locate it.

To Court:-

Q. Did the complaint or the report say that the occupants of the jeep were Ahmadis ?

A. I do not know.

To Maulana Maikash continued:-

Q. Was the investigation held by the police regular or cursory ?

A. I cannot say ?

Q. Is it true to suggest that no thorough investigation into this incident was made because of the proclamation of Martial Law ?

A. It should be for the S.S.P. to answer.

Q. What was the form and position of the processions ?

Did they consist of some volunteers who were to offer themselves for arrest accompanied by a large number of spectators ?

A. The processions never came in an organized manner.

In one procession I saw some young boys with garlands who had offered themselves for arrest but the other processions used to be a jumble of persons and in fact everybody wanted to be arrested.

Q. Were not the processions led by any responsible persons ?

A. No, except that on one occasion I saw a procession being led by Maulana Akhtar Ali Khan and on another by Maulvi Ghulam Din.

Q. Do you know of the procession led by Maulana Ahmad Ali on the 1st of March ?

A. I am not sure of the date but he did lead a procession.

Q. Was Sayyed Firdaus Shah accompanied by some other police officers ?

A. Yes.

Q. Was anyone of these police officers also attached ?

A. The escort of the D.S.P. was attached and some of them must have been injured. As far as I remember, one A.S.I. was injured.

Q. If Government were to convert mosques into modern clubs with provisions for games, drinking, dancing and gambling, will that section of the people whom you describe in your statement as educated and respectable take exception to the step ?

A. Yes, certainly.

Q. When you use the words hooligans, goondas and badmashes, what special significance do you attach to them ?

A. I use them in a very loose sense.

Q. Do you consider every person who goes to a mosque a hooligan or only those who were in Wazir Khan Mosque on or after the 4th of March ?

A. I do not consider all the visitors to the mosques as hooligans. On the 4th it so happened that after the murder of the D.S.P., almost all the inmates of the Wazir Khan Mosque were hooligans and had locked themselves in with a sinister motive.

Sd/- M. Munir.

PRESIDENT.

9th January 1954.

Sd/- M.R. Kayani.

MEMBER.

#### O R D E R.

Adjourned till Monday, the 11th, when the cross-examination of Mr. Ejaz Husain will be continued.

Sd/- M. Munir.

PRESIDENT.

9th January 1954.

Sd/- M.R. Kayani.

MEMBER.



Witness No:133 (called by Court continued):

Statement of Mr. Ijaz Husain Shah, Deputy Commissioner,  
Lahore, on solemn affirmation (continued):-

Cross-examination by Mr. Nazir Ahmad Khan, on behalf of  
the Juma'at-i-Islami:-

Q. When did you take over as District Magistrate, Lahore ?

A. I took over as Deputy Commissioner, Lahore, towards the  
end of September 1951.

Q. Were you ever posted to Lahore before ?

A. I have been a City Magistrate here from 1941 to the  
beginning of 1945.

Q. Do you know Maulana Abdul Hasanat ?

A. I know him but not very intimately.

Q. You have said that the Wazir Khan Mosque was full of  
hooligans. Would you include people like Maulana Abdul  
Hasanat among them ?

A. I would not call Maulana Abdul Hasanat a hooligan. In fact  
I have great regard for his learning and gentlemanly  
manners. He was not in the mosque.

Q. You have told us about the Delhi Gate protest meeting on  
the 28th February. Can you tell us who organised this  
meeting ?

A. It was organised under the auspices of the Majlis-i-Amal.

Q. Do you know that nobody from the Juma'at-i-Islami addressed

this meeting ?

A. I do not know.

Q. Who organised the meeting of 1st March again outside  
Delhi Gate ?

A. Probably the same organisation.

Q. Do you know that no one from the Juma'at-i-Islami  
addressed this meeting also ?

A. I do not know.

Q. Is it within your knowledge that no member of the  
Juma'at-i-Islami was arrested for joining any procession  
from the 28th of February up to the time of the imposition  
of Martial Law ?

A. It is difficult for me to tell but none of their leaders  
was arrested.

Q. When you held a meeting of the notables on the 5th of  
March at 9 a.m. in your office, do you know that none  
from the Juma'at-i-Islami was present amongst them ?

A. It was a fairly big gathering, but I cannot say if any  
one from those present had any inclination towards the  
Juma'at-i-Islami.

Q. When invitations were sent under your instructions, were  
not any members of the Juma'at-i-Islami also invited to  
attend this meeting ?

A. No regular invitations were sent out, as the time at my

disposal was very short and I had thought of convening this meeting as a result of the murder of the D.S.P. I asked my office Superintendent, the City Magistrate and the P.A. to call the notables of the town.

Q. Did you instruct them to invite some members of the Juma'at-i-Islami ?

A. Not specifically.

Q. Is it within your knowledge that during these five or six days, from the 28th February to the 6th of March, the Juma'at-i-Islami was tending the wounded and injured in that they had a mobile dispensary ?

A. I know of only one instance. A gentleman, who claimed to be a member of the Juma'at-i-Islami, appeared before me with an application for a curfew pass alleging that he was serving on an ambulance car and that he should be permitted to move about, but at the same time it was represented to me by some one in the Civil Lines Police Station that permission should not be given, because on that pretext ambulance cars were being used for propaganda purposes. On my inquiring as to how it was done, I was told that members of the party were taken in this ambulance car and were left at the crossings of bazars and these persons propagated the cause of Khatm-i-Nubuwwat and formented



the agitation against Government.

Q. Is it within your knowledge that a mobile dispensary and an ambulance car were moving in the city ?

A. I know of only one ambulance car in connection with which a gentleman had come to the Civil Lines Police Station to ask me for a curfew pass.

Q. Can you tell the names of some of the prominent people who attended the meeting on the 5th March in your office ?

A. I have got a list of their names, which is Ex. D.E./320.

Q. What did you tell these ladies and gentlemen and what was the response to your appeal ?

A. I drew their pointed attention to the position that had been created after the murder of the D.S.P. and I requested them to assist me in restoring law. I suggested to them that a joint appeal under their signatures should issue and on this a general discussion ensued, but none of them appeared inclined to sign the appeal. Then I asked them to exert their influence in their respective spheres, to which they agreed.

Q. Do you remember the gist of the speech of Maulana Daud Ghaznavi ?



A. I do not remember the exact words, but what he said was that it was not a question confined to this town only but related to the Province as a whole and that Government should take some decision at the Provincial level.

Q. Did anybody make a speech and if so, what is the purport of that speech ?

A. Mr. Abu Saeed Anwar, M.L.A., said that he was doubtful of the usefulness of the appeal under the signatures of these present and suggested that this appeal should be issued by the leaders of all political parties jointly. Malik Shaukat Ali fully supported the view of Mr. Abu Saeed Anwar. Malik Ghulam Nabi said that the feelings of people were aflame and suggested that a meeting of the Ulama might be called to appeal to the people. I file a copy of the incomplete minutes of that meeting, Ex. D.E./321.

Q. Did you report the result of your efforts in this behalf to any authority ?

A. Yes. Thereafter, I was called to the Government House, because another meeting of the notables of the city was to take place there. That meeting was called independently and not as a result of the report which I had made.

Q. You say that on the 28th February it was decided that an order under section 144, Criminal Procedure Code, should not be promulgated. Who is responsible for this decision? Did you suggest that it should not be promulgated, or somebody else did so, or this was the consensus of opinion?

A. In fact, I have repeatedly said that I was not the only officer who had to take this decision. It was a matter for all the officers who met in the Civil Lines Police Station to consider and take a decision. It is very likely that I mentioned that the promulgation of an order under section 144 be considered. I have said time and again that the position of the District Magistrate of Lahore is different from that of the District Magistrates in other districts. Here, he is under the very nose of Government and is as much responsible as the Commissioner, or the I.G. or the D.I.G., or as a matter of that, the H.C.M. or His Excellency the Governor would be for the maintenance of law and order in circumstances like this. Maintenance of law and order in Lahore is the joint responsibility of all.

To Court:-

Q. Does it mean that none of these persons can act independently of the other ?

A. No.

Q. Then how is the responsibility joint ?

A. They are part and parcel of Government and the District Magistrate is well advised to consult them.

Q. Whose is the virtual responsibility ?

A. That of the District Magistrate and the police.

To counsel continued:-

Q. Do you mean to suggest that you were hampered in the discharge of your responsibilities because of this idea of a joint responsibility ?

A. No, except that I had to give due weight to their advice.

To Court:-

Q. Is it correct that the situation in Lahore suffered because there were too many persons to be consulted ?

A. To some extent, yes.

Q. The S.S.P. has stated that the moment there is a crisis in Lahore, his duties are immediately assumed by the I.G.P. in the sense that he is merely to carry



out the decisions taken by the I.G.P., Is the position similar in the case of the District Magistrate of Lahore?

A. I fully endorse the views of the S.S.P. so far as he is concerned. It may be true to some extent in the case of the District Magistrate.

Q. To what extent.

A. I shall give illustration. In the meeting of the 5th morning I was asked to change the hours of curfew which if I had not been asked, perhaps I would not have changed.

(The court observed that this only showed that the answer should not be qualified by the phrase "to some extent.")

Q. Is the statutory discretion of the District Magistrate Lahore in fact controlled by some superior functionaries?

A. The statutory discretion of the District Magistrate, Lahore, is interfered with by the higher authorities.

Q. Who is the functionary who controls your discretion, e.g., the discretion to act under section 144, Cr. P.C. in disturbances of the kind we are inquiring into?

A. It can be the Commissioner, the Home Secretary and even the Chief Minister, because he is in charge of law and order.

Q. If you had thought that an order under section 144 was



necessary but you consulted one of the higher officers you have just now mentioned and they gave advice to the contrary, would you still have made the order under section 144 ?

A. It all depends upon the circumstances but I would certainly consider their advice.

Q. Has there ever been an occasion when in regard to the making of an order under section 144, you consulted any one of these higher authorities and despite their advice acted to the contrary ?

A. No.

Q. Is it not usual for the District Magistrate of Lahore to consult the higher authorities while considering the question of issuing orders under section 144 in disturbances of the importance that we are inquiring into ?

A. Yes, it is an established practice.

To counsel continued:-

Q. Did you allow the Juma'at-i-Islami to hold a meeting in August 1952 but afterwards prohibit it by imposing section 144 ?

A. So far as I remember, no permission was granted.

Q. When was section 144 lifted from Lahore ?

A. In October or November 1953.

Q. Did you consult the higher authorities when you withdrew this order ?

A. No.

Q. Did you find any of the Ministers touring the disturbed areas of the town ?

A. No, not to my knowledge.

Q. Is it within your knowledge that some of the Ministers caused the removal of their flags from their cars and had the number plates of their cars changed ?

A. No.

Q. Did any of the Ministers have any chance of talking to you about the situation during the period 28th February to the 6th March ?

A. None, except the Chief Minister.

Q. What talk did the Chief Minister have with you and when ?

A. For the first time he discussed this matter with me and the others officers on the evening of the 2nd after the arrest of Maulana Akhtar Ali Khan. I told him that I was going to promulgate section 144 Cr.P.C. and he approved of this suggestion. The second meeting was on

the 3rd or 4th of March. After that I met him on the night between the 4th and 5th March in a meeting at the Government House in which the G.O.C. was also present.

To Court:.

Q. Did the Chief Minister ever talk to you alone throughout the relevant period ?

A. I think on one or two occasions on his behalf his Private Secretary, Mr. Hurmat Beg inquired about the situation on the telephone.

Q. Did you ever receive any instructions directly from the Chief Minister or through his Private Secretary about the extent to which force had to be used or the manner in which the agitation had to be met ?

A. No, except that on each occasion when he met me he impressed that law and order must be restored. He seemed very anxious about it.

To Counsel contd:-

Q. On the 3rd March, the I.G. telephoned the H.C.M. and informed him about the situation and told him that half of the battle had been won. Did you share his opinion ?

A. Yes.

Q. After the events of the 1st and the 2nd March ?

A. Yes.

Q. What was the battle that had been half won ?

A. By that I meant that no procession had been taken out on that day and the town, from the point of view of business, was presenting a normal look.

To Court:-

Q. Had shops been closed and business suspended before the 3rd ?



A. Yes. The business was suspended on the 2nd evening.

Q. You say that you shared the Inspector-General's view that on the 3rd March half the battle had been won, because no important procession came out that day. Does it mean that the taking out of processions by the public was a battle with the Government ?

A. The procession on the 2nd was really of such a nature.

Q. We know that both on the 28th February and the 1st March, there were processions in which a large number of arrests had to be made. Were they not a part of the battle ?

A. That was just a start of the agitation and the processions were very peaceful and were just of the type as had been taken out in Lahore even previously in other connections, as for example, labour protests.

Q. So, according to you, the battle began on the 2nd and half of it was won on the 3rd ?

A. The agitation that was to be found on the 2nd was not witnessed on the 3rd.

Q. Was there anything peculiar in the procession of the 2nd

except that it was led by Maulana Akhtar Ali Khan and the number of processionists or spectators was larger ?

A. This was not the only peculiarity. A further feature of the procession was that it was violent.

Q. Did no incident of violence take place on the 28th February or 1st March ?

A. No.

Q. If the processions were a part of the battle, why did you not stop this battle at its very start by forbidding processions under section 144 ?

A. I was always of the view that the movement would fizzle out because there was nobody worth the name to organise these processions and the general public was also not approving of this sort of agitation.

Q. Were not Maulana Akhtar Ali Khan and Maulana Daud Ghaznavi there to organise the processions ?

A. Maulana Daud Ghaznavi did not come forward and Maulana Akhtar Ali Khan had disappeared from Lahore.

To Counsel contd.-

Q. In his written statement the S.S.P. says this  
about the events of the 3rd March:-

" (a) Ugly rumours about police firing in Sialkot  
were spread by mischief-mongers;

(b) thirty-one persons were arrested in Anarkali  
for defiance of the order under section 144;

(c) a defiant procession coming from Nila Gumbad  
on the Mall was dispersed by lathi-charge;

(d) another crowd of a few hundred persons proceeding  
towards Charing Cross was dispersed after a mild  
lathi-charge;

(e) yet another procession of 100 persons heading  
towards the Government House was dispersed after  
a lathi-charge;

(f) an excited mob of 80 persons was moving towards  
the Charing Cross from McLeod Road; having been  
asked to disperse, they stoned the police party  
on which Inspector Sultan Ahmad fired three  
rounds;

(g) jathas from ten places in the mofussil were  
coming into Lahore regularly; and lastly

(h) "it was clear to me that this was a widespread movement and that the problem had assumed for greater proportions than had been generally anticipated."

Do you agree with this appreciation of the situation ?

A. The view expressed in the last two sentences is correct. There is no doubt that it was a widespread movement. In regard to the unlawful assemblies, probably he has referred to the jathas that had started coming in large numbers from the mofussil. On that date only one unlawful assembly came to my notice, which was formed in Anarkali area and had to be lathi-charged.

Q. Did you find out as to why it was that all these processions, big or small, which originated in the town, were marching towards the Mall and the Government House ?

A. I do not think that all these originated in the town. Most of them were the jathas that came from the mofussil. They were marching towards the Government House because they had no other place to go to and they knew that by marching



towards the Government House, they could accentuate the agitation.

Q. Is it a fact that none of these jathas went towards the house of the H.C.M. ?

A. Yes. Not a single jatha marched towards the house of the H.C.M.

To Court:

Q. Why did these processions march towards the Government House in preference to the residence of the Chief Minister who was the virtual head of the Province ?

A. It should be for the processionists to reply.

Q. Before a procession started from Delhi Gate, or elsewhere, did you know that it was not going to the house of the Chief Minister ?

A. No.

Q. Then why did you issue orders to the magistrates to stop processions from going to the Government House only ?

A. It was my brain wave and I should get credit for it because it so transpired that all the processions headed towards the Government House. I judged the situation correctly.

Q! You must have formed this judgment on some data ?

A. I formed this opinion on the basis of past experience.

Let me qualify my statement. After all, administration is a science which one learns by experience and study of law.

Q. Is that the qualification ?

A. Yes.

Q. Do you remember the processions closing in at the residences of Malik Khizar Hayat Khan Tiwana, the Chief Minister, and Nawab Muzaffar Ali Khan Qizilbash, the Revenue Minister, in 1947 ?

A. I was not in Lahore in those days, but I know of the Labour and Kashmir Day processions that all headed towards the Government House.

To Counsel contd.-

Q. Did you suggest to the Minister in charge of Law and Order that it would be better if he just made a tour of the city and inspected the situation ?

A. No.

Q. Did he ever express any such wish ?

A. No.

Q. Is it true that the policy was not to stop processions or to interfere with the meetings so

long as they did not become violent ?

A. No.

Q. What was the policy then ?

A. The policy was to enforce the law.

Q. Whose policy was it ?

A. Mine.

Q. Did it differ from Government's policy ?

A. I do not exactly know Government's policy, except to the extent that it was conveyed to me in policy letters.

Q. I suggest it to you that your appreciation of the situation on the 3rd was incorrect and that on account of your incorrect appreciation the district authorities and the other high officials had become complacent ?

A. No. There was no question of complacency. We were alive to the extent and intensity of the movement.

To Court:-

Q. From the very beginning ?

A. Yes.

To Counsel contd.-

Q. With regard to the incidents of the 4th March, near Wazir Khan Mosque, you have said in your written statement that the late Sayyed Firdaus

Shah was stabbed and murdered in the chowk.

On what information was this conclusion based ?

A. Probably I read it in a report.

Q. Do you know that Maulana Abdus Sattar Niazi

and nine others were prosecuted before a

military court on the charge that they had

murdered the D.S.P. inside the mosque ?

A. I do not know.

Q. You said in your evidence that you appealed to some

ladies and gentlemen of Lahore to visit the Wazir

Khan Mosque and to use their good offices in trying

to ease the situation. Who were the ladies ?

A. I did not pointedly ask the ladies along. Of course,

I had appealed to all those present at that meeting.

The ladies present were Begum G.A. Khan, Begum Salma

Tasadduque Husain and Sahibzadi Mahmooda Begum. Begum

Irfan Ullah was not in Lahore in those days. If she had

been here, I am sure, she would have gone to Wazir Khan

Mosque. It was really very brave of them to go to the

Wazir Khan Mosque. Of course the men also went.

To Court:-

Q. Were they received well ?

A. No.



Q. How were they received ?

A. They were hooted and were suspected of having gone there as agents of the administration.

To Maulana Maikash by permission of Court:-

Q. Were not the ladies questioned as to why they had come to the Mosque when they had never come there to say their prayers ?

A. I do not know anything about that detail.

To Mr. Nazir Ahmad Khan (continued):-

Q. How is it that when none of the members of the administration dared go to the Wazir Khan Mosque, they thought it right to depute the ladies for the purpose ?

A. The ladies were never deputed for this purpose, but they went there on their own.

Q. The police must also be guarding the mosque ?

A. I know it for certain that some A.S.Is. and constables were on duty at the mosque at that time. This was on the 6th of March.

To Court:-

Q. Were not the police officers in uniform ?

A. Yes, they were.

To counsel (continued):-

Q. Why did you allow the meeting of the 4th March to be held when it was in contravention of your order under section 144 ?

A. Firstly, we had no notice of this meeting. The decision to hold this meeting was probably taken after the asr prayers in the Wazir Khan Mosque and people came out to hold the meeting. Secondly, section 144 was not applicable to the place where the meeting was held.

Q. Is it within your knowledge that there were certain licensed arms dealers in Lahore who were Ahmadis ?

A. Yes. Their number was probably three.

Q. Is it true that complaints were brought to your notice that Ahmadis were organising themselves by getting arms from these shops ?

A. Yes.

Q. Did you make any inquiry about this incident ?

A. Once or twice Maulana Abdul Hasanat and Master Taj-ud-Din Ansari approached me and gave me this information and I told them that it would be better if they brought the details in writing or let me have fuller details so that I might initiate an inquiry. In fact, I had an inquiry made and it is still under investigation by the C.I.D.

Q. Did any Ahmadi notables ever come to you during

those days, complaining that they apprehended danger to their life and property ?

A. No.

Q. Is it correct that there were certain Ahmadi members of the staff in the District Courts and offices under your control ?

A. I do not know about the staff, but among the officers, I certainly had two.

Q. Did these two officers ever complain to you that they could not move about freely ?

A. No. I remember one particular incident. I had a Magistrate, Mr. Abdul Hayee by name, whom I called on the 28th February. As I was not sure that the Ilaqa Magistrate had reached the Civil Lines Police Station, I told him to proceed there at once, because a procession was reported to have passed Mochi Gate. He told me that he was an Ahmadi, to which I said that it would not make any difference and that he should go ahead on duty. The other officer was Pir Salah-ud-Din.

Q. Why were these processions allowed to go on to the Mall and not checked as soon as they formed themselves ?

A. This was probably for administrative reasons. I discussed this matter with the S.S.P. and he told me that the I.G.P. was definitely of the opinion that action should be taken at the Charing Cross which was an open place.

Q. Was not the position in the Wazir Khan Mosque on the 4th evening and the 5th a law-and-order problem ?

A. It was a problem and, as I have stated already, we considered it a big menace and that is why we discussed it at a higher level in the Kotwali. This matter was discussed by the I.G.P. and the Home Secretary with the G.O.C. as well. Except the Wazir Khan Mosque trouble we had no other trouble within the city walls at that time.

To Court:-

Q. Why did you not meet the situation politically ?

A. There would have been terrific bloodshed if any attempt had been made to meet the situation politically.

To counsel (continued):-

Q. You attended a meeting at the Government House on the 5th at about 10 o'clock in the morning. What were the duties assigned to you ?



A. Only one duty was assigned to me and that was that the curfew already imposed by me on the area prescribed in my order should be so amended as to provide that the hours of the curfew should be from 3.30 p.m. to 6 a.m.

To Court:-

Q. Did any one of the decisions taken on the morning of the 5th relate to your normal duties as a District Magistrate ?

A. They all related to my duties as a District Magistrate generally, but officers were specified to take action.

Sd/- M. Munir.  
President,

12th January 1954.

Sd/- M.R. Kayani.  
Member.

Proceedings adjourned till tomorrow, the 13th January 1954, when examination of Mr. Ejaz Husain Shah will be continued.

Sd/- M. Munir.  
President.

12th January 1954.

Sd/- M.R. Kayani.  
Member.

13th January 1954.83rd Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,  
Chief Justice, President,  
Hon'ble Mr. Justice M.R. Kayani, Member.

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Mr. Fazal Ilahi, Advocate, assisted by Mr.  
Ijaz Ali, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, for Mian  
Mumtaz Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted  
by Mr. Ghulam Murtaza, Advocate, for  
Sadar Anjuman Ahmadiyya Rabwah.

Mr. Fateh Muhammad Aziz, Advocate, for  
Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Nazeer Ahmad Khan, Advocate, for the  
Juma'at-i-Islami.

Maulana Murtaza Ahmad Khan Maikash, Member,  
Majlis-i-Amal, in person.

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Statement of Mr. Ijaz Husain Shah, District

CAMERA. Magistrate, Lahore, (witness No:133), continued

on S.A.-

Cross-examination by Mr. Yaqub Ali Khan, Advocate,  
on behalf of Mian Mumtaz Muhammad Khan Daultana:

Q. Did you attend the conference of the District Magistrates held on 5th of July 1952, which was presided over by the Chief Secretary to the Punjab Government ?

A. A meeting was held in the room of the Chief Secretary which I attended, but I do not remember the exact date.

Q. With reference to the decision that "if any members of the Ahrar party or the Ahmadiyya community deliver violent or inflammatory speeches at any public meeting not organised by their respective organisations, a reference should be made to Government for action under section 153 P.P.C. or Public Safety Act", can you recall if the S.S.P. made any report to you for taking action against any person between the 5th of July 1952 and the 27th of February 1953 ?

A. The S.S.P. and I did consider some speeches actionable

and I asked the S.S.P. to refer the matter to the C.I.D.

Q. Did you receive any reply from the C.I.D. ?

A. I did not follow it up because such prosecutions are instituted by the C.I.D.

To Court:

Q. Who had organised the meetings in which these objectionable speeches were made ?

A. I do not recollect at this distance of time, but the meetings were in connection with the Khatm-i-Nubuwwat movement.

Q. Are you sure that these meetings were not organised by the Ahrar or the Ahmadis ?

A. No.

Q. If the meetings had been organised by the Ahrar, was this decision applicable ?

A. No.

Q. If the meetings had been organised by the Ahrar what would you have done ?

A. According to this decision I would have referred the matter to Government through the S.S.P. and the C.I.D.



Q. Was there any other decision applicable to meetings organised by the Ahrar ?

A. I do not remember.

At the suggestion of Mr. Asadullah Khan:

Q. Was any meeting organised by the Ahmadis during this period ?

A. I do not know.

To Counsel contd.:-

Q. Is it correct that according to decision No: 3 taken at this conference, if any meeting was organised by the Ahrar or Ahmadis at which objectionable speeches were made, then it was not necessary to make any reference to the Government but to register regular cases against prominent leaders of the two groups ?

A. Yes.

Q. Do you recall if after this decision had been taken, you registered any case against any prominent Ahrar or Ahmadi leader for having delivered an actionable speech ?

A. I do not remember, but the police might have.

Q. Did you attend any meeting held at the house of the Chief Minister or the I.G. or anywhere else after

Mr. Chatha's return from Karachi on the 27th evening ?

A. I do not remember.

Q. Did you meet the Chief Secretary, the Home Secretary, the I.G. or the S.S.P. before the first procession was taken out on the 28th ?

A. The S.S.P. was meeting me practically every day, but I do not remember if I had met any other officer.

Q. Is it correct that at the meeting held in the Civil Lines Police Station on the 28th evening some decisions were taken which are incorporated in the letter annexure 'P' to the Home Secretary's written statement ?

A. This letter is not the outcome of the decisions taken in the meeting of the 28th.

Q. Did you receive a copy of this letter on 1st March ?

A. In ordinary course of events I should have.

Q. One of the instructions contained in this letter reads: "Government leaves it to your discretion to take what steps you consider necessary including the promulgation of prohibition under

section 144 Cr. P.C." Was there any restraint on your discretion in the promulgation of prohibition under section 144 Cr. P.C. in Lahore after this instruction had been communicated to you ?

A. There could be no restraint.

To Court:

Q. On Mr. Chatha's return, did the officers including yourself, meet at the residence of the Chief Minister ?

A. I do not remember.

Q. Do you remember or not whether the question that an order under section 144 should or should not be made, was at all discussed by you with anyone immediately on Mr. Chatha's return, or in any case before the evening of 2nd March ?

A. In fact, I do not know of the return of Mr. Chatha at all from Karachi. The matter regarding the imposition of section 144 was broached upon on the 28th February as well as the 1st of March in the Civil Lines Police Station during the meetings which were presided by the Home Secretary and at which the Commissioner, the Inspector-General of Police and the D.I.G., Central Range, Lahore, were present.

To counsel continued:-

Q. Did you receive the letter dated 28th February, 1953 (annexure 'N' to the written statement of the Home Secretary.) ?

A. Yes.

Q. Did you discuss with the S.S.P. Lahore on 27th and 28th as to how the situation was to be met ?

A. Yes.

Q. Did you convey to him the decisions which the Government had taken in connection with this agitation ?

A. During the discussions I should have done so but it is always presumed that the instructions that are conveyed to the District Magistrate are also independently conveyed to the S.S.P.

Q. Was the wireless message dated the 1st March (annexure 'K' to the written statement of S.P. Sialkot) also received by you ?

A. I do not think so.

Q. Did the S.S.P. mention to you this wireless message ?

A. I do not remember.



Q. Did he tell you that he had received instructions from the D.I.C., C.I.D., that no volunteers were to be permitted to proceed to Karachi ?

A. I do not remember if he had mentioned this to me but to my mind it appears that he should have had no occasion to mention this because after the 27th no batch left for Karachi from Lahore.

Q. The S.S.P. Lahore has stated that when he was sitting with you in the Tribunal under the Control of Goondas Act he noted the number of troops required on the back of your letter. Is it correct ?

A. I do not remember if he made any note in my presence but I did not receive any reply.

Q. Did you contact the Officer Commanding the troops who had marched into the city on the morning of the 3rd and discuss with him the plan of cooperation between the army and the police ?

A. Yes. In the Civil Lines Police Station, we met the senior army officers and indicated to them the important localities in which partolling was to be done.

Q. What were the precise arrangements made ?

A. At that time we considered it expedient to have intensive patrolling done in the localities where processions were expected.

Q. Were the army patrols to be accompanied by the police and Magistrates ?

A. Yes.

Q. Invariably ?

A. Yes.

Q. Did you detail some Magistrates ?

A. Yes.

Q. What instructions did you give to the Magistrates who had to go out with the army patrols ?

A. I instructed them to deal with the situation firmly and they were supposed to be aware of their statutory powers.

Q. Was the S.S.P. Lahore responsible for cooperation between the troops and the police ?

A. Both he and the I.G.P. who was virtually in control of the police force were responsible.

Q. The G.O.C. has stated that on the 4th he withdrew troops with the consent of the S.S.P. and the District Magistrate, Lahore, Is this correct ?

A. No. What happened was that about 5 p.m. on the 3rd, the S.S.P. and I were standing on the Mall opposite the Masonic Lodge. We were very much pleased to notice that traffic and the business was going on normally. Colonel Aleem and perhaps Colonel Shirin Khan while passing by stopped to meet us. We all realised that the situation had calmed down. It may be that they had got the impression during that conversation that a part of the troops might be withdrawn. It is a hard fact that I did not advise any army officer to withdraw the army.

To Court:-

Q. Was there any reference in this conversation to a possible withdrawal of the troops or the relaxation of patrolling ?

A. No.

Q. Did anybody say to the military officers on the 3rd that half the battle had been won ?

A. No.

To counsel continued:-

Q. Did the army stop patrolling on the morning of 4th March ?

A. I think so. I learnt about it in the afternoon  
when I went to the Civil Lines Police Station. ✓

Q. Who was to order the troops to go out on patrol -  
your Magistrates or the army commanders ?

A. The army had come out in aid of civil power and I ✓  
think the head of the police department should have  
advised them about their movements.

To Court:-

Q. We want to be clear as to how the liaison between  
the army and the civil power was to work. Was the  
Magistrate to take the military patrol out or was the  
military patrol to ask a Magistrate to accompany it ?

A. It was clear that the commander of the troops was  
to make a patrol available and take the Magistrate ✓  
from the Jinnah Gardens where a Magistrate was always  
on duty.

Q. Was it clear that it was not the Magistrate or the  
police detachment who had to ask the patrol to go  
along with them ?

A. The Magistrate could also take out a patrol if it  
came to his notice that one was needed at a particular



place, otherwise the patrols were to be sent out by the army commanders and the Magistrates were to accompany them.

Q. Were the patrols to be taken only to places where they were needed ?

A. No: There was regular patrolling also, but if patrols were needed anywhere, the Magistrate could take them.

To counsel continued:-

Q. What was the understanding between yourself and the army commander about the action which the army had to take if they came across any unlawful assembly or riotous mob while on patrol ?

A. The Magistrate at the spot had to take the decision and to deal with the situation.

Q. Did you expect these troops to open fire without any order from the Magistrate ?

A. No. It was for the Magistrate to deal with the situation and to take a decision whether he should hand over the situation to the army and then it was for the military itself to decide whether to open fire or not.

To Court:-

Q. Can you give a single instance during the disturbances where the military went alone, namely, without being accompanied by a magistrate, and came across an assembly which it became necessary for them to disperse and where they did not do so ?

A. No.

To counsel (continued):-

Q. Did any such occasion arise where it became necessary for the magistrates to hand over the situation to the military from the 3rd morning up to the time Martial Law was declared in Lahore ?

A. Yes.

To Court:-

Q. Was the situation then handed over to the military ?

A. Yes.

Q. Did the military deal with it properly ?

A. Yes.

Q. By firing ?

A. Yes.

Q. Please give the number of these occasions.

A. I know of only two occasions. One was outside Lehari Gate

on the 5th March when the Police Station was threatened with an attack and brickbats were pelted into it and Kh. Mahmood Sadiq handed over the situation to the military and they had to open fire. The other was on the 6th of March when a mob was fired at by the military at the Tollinton Market crossing under the orders of Mr. Ahmad Shafi, Magistrate.

- Q. You said the other day that no incident of non-cooperation by the military had come to your notice. The S.S.P. has stated that you had told him in a conference during the Martial Law days that you had received a complaint from some magistrates that the military were not cooperating. Is that correct ?

A. No.

- Q. Were you completely satisfied that the military were cooperating and that they had placed themselves entirely at the disposal of the civil authorities ?

A. Yes.

To counsel (continued):-

- Q. Is it a fact that on the 5th March a large number of ugly incidents, such as burning of Government property and loss of life, occurred and that the police could not effectively deal with the situation ?

A. Yes, it is a fact that a number of incidents like breach of orders under section 144, arson and killing were taking place. The police had been struggling to deal with the situation. Towards the evening, however, it was apparent that their struggle was failing.

Q. The G.O.C. has said that the whole of 10 Div. was available in aid of civil power in Lahore on the 5th and the 6th. Why did you not then make use of it to deal with the situation?

A. It was for the police chief to avail of their services and to marshal them.

To Court:-

Q. Was it not your duty as District Magistrate to make use of the military in the situation of the 6th March ?

A. The military were there and the police were there. The police officers should have used the military to cope with the situation.

Q. The law is that in such cases the District Magistrate should direct the military to take control of the situation. Do you think that is the law ?

A. The law, as I understand it is that the District Magistrate is to call in the military in aid of civil power to supplement the police. When the army was already at the spot, it should have been for the head of the police to



arrange for their dispositions and indicate to them how he wanted to use them. The Magistrate were always available with the military contingents.

Q. Can the police, when the District Magistrate and other Magistrates are available, require the military to go into action ?

A. I think yes.

Q. What is the legal authority for that ?

A. The police and the military should become one force and then the Magistrate, who is on duty, should act under section 129 of the Code of Criminal Procedure. (Witness was told that S.129 did not support his view that the police could require the military to go into action) Probably I have not made myself clear. I have stated already that the military come in aid of civil power in the shape of supplementing the police force. Even if the police was tired out or had failed, each contingent of the military that moved out was accompanied by a magistrate and it was the duty of the magistrate to take action under section 129, Criminal Procedure Code.

Q. Did you issue instructions to the magistrates accompanying the military that if the police were not able to cope with the situation, it was their duty to require the military to use force ?

A. I did not issue any specific order in this respect, but it was their statutory duty to do so.

Q. What you not instructed by the Government on the 1st of March by the letter to which reference has already been made that the Government left it to you to take whatever action you considered necessary in the circumstances ?

A. Yes.

To counsel (continued):-

Q. Did the military on the 5th March go into action effectively to tackle the situation in Lahore ?

A. They could have been more effective.

To Court:-

Q. In what way ?

A. By moving about faster to meet the situations and their commanders should have taken more initiative. The head of the police should have arranged their dispositions in such a manner that they could have been more effective. After all, it was a general uprising.

Q. Should they have snatched the initiative from the magistrates ?

A. Yes, if the situation so warranted.

To counsel (continued):-

Q. If the military were not effective on the 5th or up to

the time Martial Law was declared on the 6th, who was at fault in your judgment- the police or the military or the Government ?

- A. There is no question of fault. All the three played their respective parts according to their limitations.

To Court:-

Q. What were the limitations of the military ?

- A. The limitation of the military was that their dispositions were not adequately arranged by the police officers. An other limitation of the military was that the number of magistrates was not adequate to accompany such patrol.

To Court:

Q. What was the District Magistrate's important contribution to the arrangement ?

A. The military were called at my instance and the magistrates were detailed on duty by me, but the work at the spot to deal with the mobs, etc., was the job of the police.

Q. What were your limitations ?

A. My limitations were that it was a question of general uprising and we tried to cope with the situation by doing our utmost. The I.G. repeatedly told me that the police would be able to cope with the situation, whenever I suggested that we should hand over to the military.

Q. When did you first realise that the uprising was in the nature of a general revolt ?

A. Late in the evening of the 5th.

Q. When the revolt had actually come about ?

A. No, but when signs of a revolt had appeared.

Late in the evening of the 5th, the S.S.P. and myself extensively went round the Civil Lines area, Chamberlain Road, Gowalmandi, Qila Gujar Singh and



other places which had been storm centres earlier.

We found calm and quiet and I again thought that the police would be able to meet the situation, but on the 6th morning I realised that the police had completely failed. No constable in uniform was to be seen anywhere in the affected areas. Many constables had put off their uniforms due to demoralisation because they had become the targets of attacks by the hooligans.

Q. Do the Chief Secretary and the Home Secretary have the powers of a first class magistrate ?

A. I do not know.

To Counsel contd.-

Q. Was the S.S.P. present at the Government House on the morning of 5th March when a conference was held, which was attended by you, among others ?

A. Yes. The S.S.P. and I were present in the meeting for a short time.

Q. Were all the decisions at this conference taken in your presence and the presence of the S.S.P. ?

A. No. I was there only for a short time.

Q. Were the decisions conveyed to you and the S.S.P. ?

A. Yes. They were communicated to me some time in the

afternoon.

To Court:

Q. Who communicated these decisions to you ?

A. Probably the Home Secretary.

To Counsel contd.-

Q. Were you otherwise made aware of the decisions taken at this conference before the afternoon ?

A. Not of all the decisions. Of course, I know one or two decisions which had taken place in my presence.

To Court:

Q. What were these decisions ?

A. The decision relating to curfew and decision No:2 were taken in my presence.

To Counsel contd.-

Q. Was the S.S.P. also present ?

A. Yes.

Q. What did decision No:2 intend to convey when it stated that the "police patrols will be supported by military contingents under their own commanders" ?

A. It meant that the police and the military would patrol together, but that the commanders of the military would be with their own contingents and act only

under the directions of the police and a magistrate,  
if he happens to be with them.

Q. Did the I.G., the Home Secretary or the Chief  
Secretary explain to the officers concerned as to  
what was intended to be done by virtue of this  
decision ?

A. I do not know.

Q. Did you on 27th or 28th February, contemplate the arrest  
of any persons besides those whose names were mentioned  
in the letter of the Chief Secretary dated the 27th ?

A. No.

To Court:

Q. Whose duty was it to consider whether somebody else  
should be arrested or not ?

A. It was the job of the C.I.D.

To Counsel contd.-

Q. Is it a fact that no higher officer or authority  
impeded any action proposed by you to deal with  
the situation ?

A. I have already answered this question. In a sense  
my action was impeded. For instance, when I discussed  
the question of handing over with the I.G. on the 5th  
morning, he definitely told me that he would be able

to cope with the situation and, therefore, I did not hand over. Similarly, on the 4th, when this matter was broached upon, he was very optimistic and assured me that the police were strong enough to meet the situation. Again, some decisions of an executive nature were taken in the Government House in the meeting of the 5th.

To Court:

Q. Had you either on the 4th or on the 5th actually decided to hand over ?

A. No.

Q. Then what was the nature of the discussion with the I.C. ?

A. I told him that I felt that the police were showing signs of exhaustion and that the situation might be handed over to the military, on which he repeatedly assured me that the situation could be met without handing over completely to the military.

To Counsel contd.-

Q. Did you feel handicapped because the higher authorities happened to reside in Lahore or were there any instructions to the effect that the District Magistrate would not exercise his own



discretion and the statutory duties unless he had previously consulted the higher authorities ?

A. I was not handicapped. In fact I was happy that the higher authorities were sharing my responsibility. In that sense it may be considered that I was subject to certain restrictions.

Q. Yes have said that the maintenance of law and order is the joint responsibility of H.E., H.C.M., H.S., C.S., I.G. and D.I.G. Do you give this as merely your impression or are there any instructions which say so ?

A. It is my impression, and also it is a fact that the H.C.M. was in charge of law and order and so were the Chief Secretary, the Home Secretary, the Inspector-General of Police and the Commissioner.

To Maulana Maikash by permission:-

Q. When the public meetings took place outside Delhi

Gate on the 28th February and 1st March, had not the President and the Secretary of the Majlis-i-Amal been arrested in Karachi and was not Maulana Daud Ghaznavi away from Lahore ?

A. It is a fact that the President and the Secretary

had been put under arrest in Karachi. About Maulana Daud Ghaznavi, I cannot say whether he was in Lahore or not.

Q. How do you say that these two meetings were held under the auspices of the Majlis-i-Amal ?

A. Because the Majlis-i-Amal was the organization which was arranging meetings in those days.

Q. Who were the members of the Majlis-i-Amal who arranged these meetings ?

A. I do not know.

Q. Did not the processions which went in the direction of the Government House say that they were going there to present their demands before the Government ?

A. No.

Q. What were they saying ?

A. They raised slogans in support of Khatm-i-Nubuwwat.

Q. Did any officer ask them where they were going and why ?

A. No, not in my presence.

At the suggestion of Mr. Fazal Ilahi, counsel for the

Punjab Government:-

Q. Did you impose section 144 when the meeting of the

Provincial Muslim League was held on 26th and 27th July?

A. Yes.

Q. Did you consult the Home Secretary, the Chief Secretary,

or the Chief Minister about the application of this

section ?

A. I was at my house when I was called to the office of

the Provincial Muslim League. There I found a huge

mob assembled and the situation becoming very ugly. I

therefore imposed section 144 then and there without

consulting any one except the S.S.P.

To Court:-

Q. What new duties have devolved on District Magistrates

or Deputy Commissioners since the Partition ?

A. There are many duties, e.g. the problems created

by the coming in of refugees, reception of dignitaries,

etc.

Q. Does this business of reception of dignitaries detract your attention from your normal duties ?

A. Yes.

Q. How many times a month roughly have you to attend these receptions or departures ?

A. Five or six times.

Q. Are there written instructions to you to attend these receptions and departures ?

A. Yes, and on each occasion I also get an order from the Chief Secretary.

Q. When were you first told on or after the 27th February that a decision had been taken to deal with the situation firmly and that certain steps had to be taken to handle the agitation for the first time ?

A. I do not now exactly remember.

Q. What were the functions or duties of District Magistrate which were in substance taken over by the Chief Secretary or the Home Secretary or the I.G.P. ?

A. It was indeed unusual that a Home Secretary should come to a police station to preside over a meeting that is held in regard to law and order.



Q. Did you feel that you could make any order under section 144 during the disturbances unless you consulted the Chief Minister, the Home Secretary, the Chief Secretary or the I.G.P. ?

A. I considered it expedient and politic to consult the higher authorities before taking such an action.

Q. You have said that the convention of 13th July was held in contravention of section 144. As District Magistrate why did you not institute any prosecution ?

A. I asked the S.S.P. to take the necessary action. He made a reference to the D.I.G. in consultation with me.

Q. Had not the decisions of 5th July precluded you from taking any action in respect of this convention ?

A. I have no idea of it independently of the resolutions passed in the conference of the 5th.

Q. Did you get the impression during the disturbances that nothing was being done by the Chief Secretary, the Home Secretary or the I.G.P. except after consulting the Chief Minister ?

A. Yes. In fact I know that they had been getting instructions from the Chief Minister.

Q. Did the processions that came out on the 28th

February, and 1st and 2nd March forebode any trouble ?

A. The procession of the 2nd did but not the others.

Q. Did you have advance information that Maulana Akhtar

Ali Khan would lead a large procession on 2nd March ?

A. No.

Q. You have stated that in the conference which you held

on the 5th, nobody was willing to be a party to an

appeal but that every one of them said that he would

exercise his influence in his own locality. Did you

believe any one of them ?

A. I thought they were sincere in their assertion.

Q. Did you prepare a daily roster of the Magistrates

who were to accompany military patrols ?

A. No such roster could possibly be prepared.

The duties were allotted verbally every morning and

evening in the meetings that I held with the

Magistrates in the police station. No record of it

was, however, prepared.

Q. Did the Magistrates detailed on duty submit to you

any written reports of what they had done ?

A. No. They gave the necessary information in the meetings

that used to be held every day.

Q. Did you come to know of the decisions taken at the Government House on the 5th or 6th that firing was to be restricted ?

A. No. On the morning of the 6th the S.S.P. told me that the police had got some sort of orders to restrict the firing. He was grumbling over this. The Inspector of Police at the Kotwali also asked me if this was correct. I told him that I had no such information and he must carry on his duties in the normal way.

Q. According to the letter of the Home Secretary requisitioning the military, you were to state the number of troops required and the manner in which they were to be posted. Did you intimate the number of troops needed ?

A. There was no need for it because troops in adequate number had been placed at my disposal on the morning of the 3rd and we had already made arrangements for their patrolling.

R.O. & A.C.

13th January 1954.

Sd/- M. Munir.  
President.

Sd/- M.R. Kayani.  
Member.

11th January 1954.81st Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President,
Hon'ble Mr. Justice M. R. Kayani,	Member.

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Mr. Fazal Ilahi, Advocate, for the Punjab Government.

Mr. Muhammad Yaqub Ali Khan, Advocate, for Mian Muntaz  
Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by Messrs. Abdur  
Rahman Khadim and Ghulam Murtaza, Advocates,  
for Sadr Anjuman Ahmadiyya, Rabwah.

Mr. Nazir Ahmad Khan, Advocate, for the Juma'at-i-Islami.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-Amal,  
in persons.

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O R D E R.

Arguments in the case will begin from the 25th  
of January, 1954, and will be addressed in the following  
order:-

1. Whole case — Punjab Government.



2. Circumstances leading to the declaration of Martial Law; adequacy or otherwise of the measures taken by the Provincial civil authorities to prevent and subsequently to deal with the disturbances —

- i) Sadar Anjuman Ahmadiyya Rabwah,
- ii) Majlis-i-Ahrar,
- iii) Majlis-i-Amal,
- iv) Juma'at-i-Islami.

3. Whole case — Mr. Daultana.

4. Responsibility for the disturbances ---

- i) Juma'at-i-Islami,
- ii) Majlis-i-Amal,
- iii) Majlis-i-Ahrar,
- iv) Sadar Anjuman Ahmadiyya Rabwah,
- v) Ahmadiyya Anjuman-i-Isha'at-i-Islam.

5. Reply by Mr. Daultana on the question of responsibility.

Any party may submit written arguments before 30th January and synopsis of arguments before that party starts arguments.

Sd/- M. Munir.

President.

11th January 1954.

Sd/- M.R. Kayani.

Member.

(IN CAMERA) Witness No: 134 (called by Court):

Mirza Naeem-ud-Din, Superintendent of Police,

Lyallpur, on solemn affirmation:-

During the disturbances I was S.S.P. Lahore. I have already submitted my written statement on the terms of reference to the Court of Inquiry.

To Mr. Fazal Ilahi, counsel for the Punjab Government:-

Q. Was section 144 in force in Lahore when the All

Muslim Parties' Convention was held on 13th July 1952 ?

A. Yes.

To Court:-

Q. Was this Convention held in contravention of the order under section 144 ?

A. Yes.

To counsel continued:-

Q. Did you make a report to the Government that the

Convention was held in contravention of the order under section 144 and that inflammatory speeches were made in that Convention ?

A. I addressed the O.I.D. on the subject and asked for directions. The letter that I wrote to the D.I.G., C.I.D.,

forms an annexure to my written statement, Ex.D.E.318.

A reply to this was sent by the C.I.D. on 11th August, 1952.

This also forms an annexure to my written statement.

The letter of the C.I.D. said that although some of the speeches were actionable, it had been decided that the offending speakers should not be proceeded against judicially. As regards the contravention of the order under section 144, the letter said that it had been decided in a conference held under the chairmanship of the Chief Secretary that the Convention should not be interfered with in any way.

Q. Was a meeting of the All Muslim Parties' Convention held on 3rd October ?

A. Yes.

Q. Were the speeches delivered there also actionable ?

A. I considered them objectionable and possibly actionable and said so in my letter of the 20th October 1952 to the D.I.G., C.I.D.

Q. Did you receive any reply to this ?

A. No.

Q. Were any meetings of the Convention held subsequently ?

A. Yes, there were many meetings of the Convention.

Q. Were any objectionable speeches delivered in those meetings ?

A. I am not positive. All these speeches were taken down by a reporter of the C.I.D. and sent up to the C.I.D. office, not to me.

Q. Were you submitting weekly diaries to Government about what was happening in Lahore after the first Convention up to the beginning of the disturbances ?

A. I submitted my weekly diaries to the D.I.G., C.I.D.

Q. Can you say what were the activities of the Ahrar and the Majlis-i-Amal during this period ?

A. They were marshalling public opinion in support of the demands.

Q. Was the D.I.G., C.I.D., submitting regular reports to the Government about the situation in Lahore ?

A. Yes.

Q. Did some posters issued by the Ahrar and the Secretary, Students' Federation of Lahore come to your notice ?



A/ Yes.

Q/ What did you do with these ?

A/ I forwarded them to the D.I.G., C.I.D., for advice, but

I received no advice.

To Court:-

Q. What did these posters say ?

A. The posters issued by the Ahrar asked for the declaration of the Ahmadis as a minority; I do not remember the contents of the posters issued by the Students Federation.

To counsel continued:-

Q/ When the "direct action" started in Lahore, did you have absolute freedom of action in the matter of arrests and action under section 144 ?

A. I was directly guided by the I.G.P. personally. In fact I was controlled by the I.G.P. and D.I.G., C.I.D., in all that I had to do in dealing with the disturbances.

Q. Did you receive any orders about the arrest of Maulana Abdus Sattar Niazi ?

A. No. The orders were not given to me, but to the I.G.P.

To Court:-

Q. Were you present when the decision to arrest Maulana Abdus Sattar Niazi was taken in a meeting held on the 4th of March ?

A. Yes.

Q. Who suggested the arrest of Maulana Abdus Sattar Niazi ?

A. I am not positive but everyone was agreed that he was to be arrested. The only question was whether he should be arrested from within the mosque or not. In my opinion, if it had been so decided, he could have been arrested from the mosque, but the officers present apprehended trouble over his arrest in the mosque.

Q. Then what did they decide ?

A. So far as I remember, the I.G. himself undertook to issue warrants and to have them served on Niazi.

Q. Do you remember if the District Magistrate said at this meeting that Niazi should be arrested from the mosque ?

A. I think he did.

Q. Does it mean that the ultimate decision was that he should be immediately arrested from the mosque ?

A. It was not clear whether the I.G. was to arrest him immediately or in the mosque.

To Mr. Fazal Ilahi, contd.-

Q. Was the I.G.P. discussing the situation with the Chief Minister daily ?

A. Yes. Sometimes he consulted him more than once a day.

Q. When on the evening of the 5th of March you received orders in the Kotwali that firing should be restricted and your impression was that the determined firing of that day had been having very good effect in

controlling the situation, did you convey your disgust to the Inspector-General of Police about this decision ?

A. The order that I received was that firing should be restricted and that technical breaches of curfew order should be ignored. On the morning of the 6th I had gone to the Kotwali at about 7 or 7-30 a.m. and there I discussed this order with other police officers and we were all of the opinion that after this order, if we resorted to firing, there might be inquiries against us. We felt that it had limited our discretion..

To Court:

Q. Somebody has stated that the decision taken on the evening of the 5th at the Government House was that the police should not fire except in case of self-defence. Was any such order communicated to you ?

A. No such order was communicated to me personally.

Mirza Abbas, D.S.P., who was working on the telephone in the Kotwali, received this message from the Government House.. A sub inspector in the Civil Lines communicated this to me as the latest orders of Government..



Q. There must be a record of this order ?

A. There ought to be.

Q. After the receipt of the order that firing was to be restricted, did the police resort to firing anywhere before the proclamation of martial law ?

A. Yes. Despite this order the police fired in many places.

Q. Are you quite sure about it ?

A. I was at the Government House on the morning of the 6th and I heard reports of firing from outside.

Q. Was the Kotwali besieged by rioters on the evening of the 5th and the morning of the 6th ?

A. I am positive about the morning of the 6th.

Q. Was the crowd besieging the Kotwali fired upon after the receipt of orders restricting firing ?

A. My impression is that firing was resorted to.

Q. How far is the Kotwali from the Government House ?

A. More than half a mile.

Q. Does the explosion of a tear-gas bomb cause a noise which may be carried half a mile away ?

A. No. I do not think so.

To Counsel, contd.-

Q. On the morning of the 6th, did you have a talk with the I.G. about the changing orders of the Government ?

A. Yes; I discussed the matter with him, and expressed my disgust at it.

To Court:

Q. The Inspector-General of Police has stated that on the morning of the 6th you suggested it to him that firing should be stopped, that Government should express sympathy with the demands and that if they did not do so, you would resign. Is that correct ?

A. I did not suggest that firing should be stopped. What I said was that the public were asking that some sort of statement should be made, whether in favour of or against the demands. I further said that the weak-kneed policy of the Government, inasmuch as the police had been directed to relax firing, was demoralising the force and that if Government did not revise this policy, I would resign.

Q. Were you produced before the Chief Minister a little later at the Government House ?

A. I was not, in fact, produced. The I.G. and myself both went by a car first to the Chief Minister's

residence and not finding him there, to the Government House.

Q. What did you say to the Chief Minister on reaching the Government House ?

A. The I.G. went in the room where the Chief Minister was. After a little while, they both came out. I was then standing in the verandah. The I.G. was explaining the position to the Chief Minister. They inquired of me in respect of one or two matter about the city.

Q. Did you say anything about your intended resignation to the Chief Minister, or did you protest against the relaxation order ?

A. Not about my resignation, but I said that relaxation was demoralising the police force.

Q. Did you say anything about the declaration of a policy ?

A. Yes. I said that the public were demanding a declaration of policy.

Q. Were you questioned on this point or did you volunteer ?

A. I said all these things in the course of conversation and not because I was specifically questioned on the

matter.

To Counsel contd.-

Q. When you protested to the I.G. about the relaxation order, did he agree with you ?

A. Yes. He agreed and told me we should both discuss it with the Chief Minister.

Q. When you talked about this matter to the I.G., did he take responsibility for the relaxation in the firing ?

A. No.

Q. Did he tell you who was responsible for this order ?

A. No.

Q. Did the Punjab Government ever express its policy regarding the demands during the period of disturbances?

A. No.

Q. Were the contents of Central Government's letter of 28th February communicated to you ?

A. I am not certain about it.

Q. What would you have done if the contents of that letter had been communicated to you as indicative of the policy of Government.

A. My conduct as S.S.P. would not at all have been affected.

Q. If the contents of that letter had been communicated to



you, would you still have suggested to the I.G. that Government should make some kind of statement about the demands ?

A. No.

Q. Do you know that in the meeting held at the Government House on the 5th March, Maulana Maudoodi made some suggestions ?

A. I was not present at the meeting.

To Court:

Q. Look at Ex.D.E.319 and say whether this is your verified statement of the incidents that happened in Lahore during the disturbances ?

A. Yes.

Q. Have you seen the Central Government's letter of 28th February so far ?

A. No.

Q. Please look at this letter and say whether, if the policy indicated in it had been communicated to you on the receipt of this letter by the Punjab Government, your action would have been more determined and more definite ?

A. If I had known on the 6th of March that the

Provincial Government had been instructed by the Centre to give publicity to the fact that the demands would not be conceded, it would have been unnecessary for me to impress upon the I.G. that the people were rightly insisting that a statement should be made by the Government in respect of the demands. In that case I would have had no doubt about the policy of Government and my action would have been more determined and definite.

Q. If publicity had been given by the Punjab Government, as desired by the Centre on the 28th February, what reaction would you have expected from the public ?

A. Whatever effect it might have had on the public, at least we could know how to deal with the situation and we might have been able to deal with it effectively until the 6th of March.

To counsel (continued):-

Q. Were the directions received by Mirza Abbas on the telephone from the Government House communicated to other officers ?

A. Yes. They were communicated to all concerned.

Q. Were the instructions to the police not to fire except in self-defence ?

A. Yes.

Q. If the instructions received from the Government House were that the police were not to fire except in self-defence, did not these instructions make it impossible for the police to fire where they saw loot, arson or murder being committed ?

A. I have said that the instructions received were confusing and contradictory. I cannot, therefore, say what I would have done in the cases mentioned in the light of the

directions received. The directions were not quite clear even to me. I would not, therefore, expect my subordinates to be able to understand them clearly. After the receipt of these instructions, some officers fired and others did not, in similar situations.

Q. Do you know if any officer fired at the people who were engaged in loot, arson, murder or rape ?

A. I cannot say offhand. The record will have to be seen to answer this question.

Q. Did you verify the directions received from the Government House on telephone from Mirza Abbas ?

A. Yes. After a couple of days, I did ask him, but he was not clear about the person who had issued these instructions from the Government House.

Q. Why did you not enquire from the Chief Minister ?

A. I was not in a position to make an inquiry from the Chief Minister when the I.G.P. was there to make such inquiries.

Q. Did you ask the I.G.P. to make an inquiry from the Chief Minister ?

A. No.

Q. What is the number of goondas in Lahore ?

A. When I left Lahore the number was about 65.

Q. How many among them were dangerous goondas ?

A. I cannot say.



Q. What is the number of badmashes in Lahore ?

A. I cannot say offhand. The number may run into hundreds.

Q. Were they all in jail on the 6th March ?

A. Not all.

Q. Is it correct that on the morning of 6th March the crowds had retreated to their houses and goondas and badmashes had come out ?

A. This is not correct. I may mention here an incident. On the morning of the 6th, a funeral procession accompanied by a Maulvi was passing through Anarkali. From the opposite direction there came a few constables in plain clothes. Someone in the procession recognised them to be police constables. Thereupon the deadbody was laid on the ground and the police constables were chased to the police station. The Maulvi Sahib protested that it was sacrilegious to the dead body thus to throw it down, but nobody would listen to him.

Q. What is the source of your information about this incident?

A. The local police.

Q. The Inspector-General of Police in his written statement has stated as follows:-

" The S.S.P., Mr. Naeemud Din, took me aside and said that the situation in the city was not at all good. Crowds were collecting all over

the city and, according to Naeemud Din, they were more aggressive and determined than before. He said that the people were somehow under the impression that Government was in the wrong and that it was not only unsympathetic but actively hostile. In this context the use of force was exasperating feelings further and increasing chagrin. He said that so far the Government had not defined its attitude on the demands. Nor was there any indication that the Government had any intention of deliberating over them. This, according to Naeemud Din, was making the situation more difficult. He wanted to be put up before the Chief Minister and to suggest that more repression was not likely to bring the situation under control. He wanted the Punjab Government to assure the public that it was not as unsympathetic and callous as it was being made out and to add that it was doing all it could to expedite a decision on the demands. He felt that such an appeal would mitigate the bitterness and hostility against the Government which was distinctly mounting."

Is that correct ?

A. It is correct in certain parts and incorrect in others.

I did not say that the public thought that the Government were "actively hostile". What I did say was that the

public thought that the Government was unsympathetic. Nor did I say that I asked for my being put up before the Chief Minister or that "more repression was not likely to bring the situation under control". I also did not say that I wanted the Punjab Government to declare that they were not as unsympathetic as was being given out.

Q. Did you complain to the I.G.P. of the confusion in the instructions to the police regarding the firing ?

A. Yes.

Q. Did he clarify the position later ?

A. No.

Q. Did you remain at the Government House till the statement of the Chief Minister was issued ?

A. I left the Government House a little earlier.

Q. Was not the duty of broadcasting the Chief Minister's appeal entrusted to you ?

A. I was required to arrange for two police escorts and announcers.

Q. Where were you when you received these orders ?

A. I was at the Civil Lines Police Station when I received these orders.

Q. How long did you remain at the Government House ?

A. For about two hours. During that time I had to come once



the city and, according to Naeemud Din, they were more aggressive and determined than before. He said that the people were somehow under the impression that Government was in the wrong and that it was not only unsympathetic but actively hostile. In this context the use of force was exasperating feelings further and increasing chagrin. He said that so far the Government had not defined its attitude on the demands. Nor was there any indication that the Government had any intention of deliberating over them. This, according to Naeemud Din, was making the situation more difficult. He wanted to be put up before the Chief Minister and to suggest that more repression was not likely to bring the situation under control. He wanted the Punjab Government to assure the public that it was not as unsympathetic and callous as it was being made out and to add that it was doing all it could to expedite a decision on the demands. He felt that such an appeal would mitigate the bitterness and hostility against the Government which was distinctly mounting."

Is that correct ?

A. It is correct in certain parts and incorrect in others.

I did not say that the public thought that the Government were "actively hostile". What I did say was that the



or twice out of the Government House to attend to some other duty.

Q. Did you see the Chief Secretary at the Government House ?

A. I do not remember.

Q. When you talked about Government's indecision in the matter, did not the I.G.P. tell you what the Government's attitude was ?

A. No.

Q. Did you come to know that the Centre was against the acceptance of the demands ?

A. Yes. I had that impression.

Q. You say that the Ahrar were the sponsors of the Khatm-i-Nubawwat movement. Did not any other party join the movement ?

A. Later on, some parties did join the movement.

Q. You have said that the Ahrar were siding with the Congress and were opposed to the Muslim League and the creation of Pakistan. How do you say that ?

A. My opinion is based on official records.

Q. You say that the Ahrar took up the Shariat question in 1949. I put it to you that at that time the Ahrar were holding conferences on Kashmir and defence. Is it correct ?

A. Yes. They were holding these conferences but the public did not trust them. The public doubted their sincerity even on the issue of Khatm-i-Nubuwwat.

Q. You say that the Ahrar joined this movement from motives of personal advancement. How do you say that ?

A. This is the general opinion of the public.

Q. What Shariat question did the Ahrar raise in 1949 ?

A. I do not know the details.

Q. You have accused the Ahrar of making promises and then breaking them. What instance can you give of this ?

A. I have no concrete instance to mention. The C.I.D. record would show this.

Q. Did you know when the direct action notice was given in January that people would offer themselves for arrest ?

A. Yes.

Q. Did you make any arrangement for the accommodation of the persons to be arrested ?

A. Accommodation for prisoners is not my responsibility.

Q. You say in your diaries that violence was confined to a small band of the Ahrar. What proof do you have of this allegation ?

A. There must be some evidence in records from which I prepared the diary.

Q. When you wrote this diary, did you have any evidence of it in your possession ?

A. Yes.

Q. Did you take any action against the Ahrar who were preparing for violence ?

A. It may be that by that time they did not commit any act of violence.

Q. Could not you take any action under the P.P.S.A. against those persons ?

A. I referred the matter to the C.I.D.

Q. You say in your diary dated the 21st that Government had decided to round up the leaders of the Convention and that while some of them had been arrested, others had absconded. Who were the persons who absconded ?

A. These arrests were effected by the C.I.D., and I cannot give particulars of any absconders.

To Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-Amal:-

Q. Was not a public meeting held on the Nisbet Road on the night between the 15th and 16th of February stoned by some Ahmadis ?

A. Yes, that is correct.

Q. Did not the audience feel indignant over this act ?

A. Yes.

Q. Did the incident lead to an apprehension of breach of the peace ?

A. Yes, there was about to be a breach of the peace.

Q. Did not the members of the Majlis-i-Amal present at the meeting quieten the indignant mob and prevail upon them to remain calm ?

A. Yes, that is correct.



Q. Did not the opposite groups of general Muslims and Ahmadis confront each other near the D.A.V. College on 15th February ?

A. The D.A.V. College building is now occupied by the Talim-ul-Islam College which is an Ahmadiyya institution. On the date mentioned a crowd went to the Talim-ul-Islam College with a view to compelling them to join the strike. The students of the Talim-ul-Islam College did not strike work with the result that the crowd threw some brickbats on them. The Talim-ul-Islam College students threw bricks in return. One window pane was broken during the incident and a boy from amongst the crowd was hurt.

Q. Is it not correct that on this incident coming to the notice of Maulana Abdul Hasanat, he deputed Sayyed Muzaffar Ali Shamsi to dissuade the crowd from engaging in lawlessness and to take them to a place where a public meeting was being held ?

A. I am not quite sure of it though sometime after the incident Shamsi did say to me what has been suggested in the question.

Q. You have said that the procession that came out under the leadership of Maulana Ahmad Ali on 1st March, 1953, was violent. Both the District Magistrate and the I.G.P. have stated that this procession was peaceful. Which of these two versions is correct ?

A. That procession was definitely violent. It broke a truck of ours. My version is, therefore, correct.

Q. You have mentioned that many processions came out on the 1st of March. Who was the leader of the second procession which was stopped at the Mall ?

A. There was no leader of this procession.

Q. Who was the leader of the 3rd procession ?

A. I do not know.

Q. Were not the processions thus composed that the volunteers who were to offer themselves for arrest marched in formation and they were accompanied by spectators ?

A. It is true that the processions consisted of volunteers but the crowd accompanying them did not consist of mere spectators but included sympathisers also.

Q. How many persons were dumped out of Lahore on 1st March ?

A. I do not know the number.

Q. How many trucks were loaded ?

A. I cannot say.

Q. How many trucks were loaded on the 2nd of March ?

A. I cannot say.

Q. Is it true that you offered to resign because of the

restrictions imposed on firing as you were desirous

of carrying on your man-hunt as on the 5th ?

A. I was in favour of judicious firing and not of

brutal killings.

The particulars of the arms and ammunition received which I have mentioned in an annexure to my written statement, relate only to regular police and do not apply to the Border Police or the Constabulary or the Qaumi Razakars.

Q. Were any non-Ahmadi Muslims killed by the Ahmadis during the disturbances ?

A. I do not think so.

Q. You have said in the annexure under the head "Casualties" to your written statement, that "these figures also do not include casualties on the side of Ahmadis or at the hands of Ahmadis". What do you mean by this ?

A. I prepared this statement months ago. I am not sure whether any non-Ahmadi Musalmans were killed by the Ahmadis.

Q. Do you know that Sheikh Bashir Ahmad fired from his house on Temple Road and killed one or two non-Ahmadi Muslims ?

A. I know there was an incident, but I am not sure whether Sheikh Bashir Ahmad fired himself or someone fired on his behalf. There were some



casualties in this firing.

Q. Did you come to know that some persons in uniform fired from jeeps on non-Ahmadis Muslims ?

A. This allegation was reported to me soon after the proclamation of martial law.

Q. Did you hold any inquiry ?

A. Malik Habib Ullah, A.D.I.G.P. held an inquiry into the matter and reported the result to G.O.C.

Q. Could these men in uniform be other than Ahmadis ?

A. I cannot say.

Q. Can you say how many meetings of All Muslim Parties Convention were held from 13th July 1952 to 27th February 1953 ?

A. I cannot say.

Q. You have mentioned a meeting of All Muslim Parties Convention having taken place on 3rd October 1952.

Are you sure that this was a meeting of the Convention and not any other public meeting ?

A. I am not definite.

Q. Can you say how many meetings under the auspices of the Majlis-i-Amal took place from 13th July 1952 to 27th February 1953 ?

A. I cannot say.

Q. Did the poster issued by the Secretary of the Federation of Lahore Associations relate to Tahaffuz-i-Khatm-i-Nubuwwat ?

A. I am not definite.

Q. Does the verified list of incidents to which you have deposed today, contain any reference to the burning alive of an Ahmadi ?

A. The incident must be included in the list, but it is not expressly stated in it anywhere that any Ahmadi was, while alive, put on a burning Pyre made of his own furniture.

Q. Is there any incident of rape mentioned in this list ?

A. No.

Q. You have said that the sincerity of the Ahrar was doubted by the public. Were the intentions of the Majlis-i-Amal also ever suspected ?

A. There were different opinions about them.

Q. Did the Government suspect the intentions of the Majlis-i-Amal ?

A. I cannot speak for Government.

To Mr. Asadullah Khan, Advocate, on behalf of

Sadr Anjuman-i-Ahmadiyya, Rabwah:

Q. Had one of the two Ahmadis who are alleged to have thrown brickbats at the public meeting on Nisbet Road, been released from the Mental Hospital a few days before the incident ?

A. Yes. That is correct. One man had been recently discharged from the Mental Hospital.

To Mr. Nazir Ahmad Khan, Advocate, on behalf of Juma'at-i-

Islami:

Q. When did you take over as S.S.P., Lahore ?

A. In June 1951.

Q. What is the relationship, so far as the division of work is concerned, between the S.S.P. and the C.I.D. Branch ?

A. The S.S.P. always seeks advice from the C.I.D. on matters of political nature. The C.I.D. have got their own intelligence system by which they keep the S.S.P. informed.

Q. Does this mean that you could not take action in a political matter unless you received advice from the C.I.D. ?

A. It depends on the nature of the political matter.

Q. During the disturbances, were you expected to take independent action or were you to be advised invariably



by the C.I.D. ?

A. As I.G. himself was acting as D.I.G., C.I.D., I was constantly working under his advice.

Q. At page 1 of your written statement you say that during the elections in March 1951, the Ahrar promised to support the Muslim League wholly if Ahmadi candidates were dropped. Is it within your personal knowledge that these were the terms of the compromise ?

A. These are facts taken from official records.

Q. Is it also correct according to official records that as these Ahmadi candidates were either dropped or defeated, the Majlis-i-Ahrar celebrated "Yaum-i-Tashakkur" for three days in May 1951 ?

A. May be so,

Q. When this fact came to your notice that the volunteers of the Majlis-i-Ahrar were made to sign pledges to the effect that they would be prepared to make any sacrifice involving even their property and life ?

A. I cannot give you the date, not even approximately.

Q. You say that the seriousness of the situation and the magnitude of the conflagration was reported to the C.I.D. for advice. Did the C.I.D. give you any advice ?



A. They gave me no definite advice.

Q. When the police was posted in pickets to guard establishments of the Ahmadis, was this done at Government expense or did the proprietors pay for the services of the police ?

A. This was done at Government expense.

Q. You say a procession of about 5 or 6 thousand persons formed outside Delhi Gate and marched to the Civil Secretariat, Was this on the 28th February ?

A. Yes.

Q. And was this procession uttering slogans which were anti-Government, anti-Police and anti-Ahmadi ?

A. Yes.

Q. The I.G. and the Home Secretary in their written statements have given us an impression that 28th February and the 1st March were more or less peaceful and, apart from stray and small processions, did not create any problem for the administration. Do you agree with that view ?

A. On the 28th February the mob was peaceful at first. When it was stopped, they began to abuse the police

and the Government and utter indecent slogans. They kept us engaged for, so far as I remember, half an hour or more and they were dispersed with difficulty. The problem was there because the whole day long small processions were coming and the police had to be engaged throughout the day. It is also true as I have said in my written statement, that small bands of Ahrar were joined by the interested riff-raff forcing reluctant shopkeepers to close their shops. It is also true that, in one of the bigger processions, as the mob surged towards the Charing Cross, shops on the Mall were closed, traffic came to a stand-still and law-abiding people shut themselves up in the houses and shops. I have also said that this mob was mostly composed of the riff-raff and hooligans, though they had "a high tone of religious sentiment", by which I meant that they were shouting the kalima and takbir. Nevertheless, we were hope-ful that nothing would happen and that consequently the promulgation of an order under section 144 was not necessary.

Q. In your written statement, with reference to the incidents of the 1st of March, you have shown that there were at least four processions, two of them pretty big ones. In the first procession which was big one and was taken from outside Delhi Gate, Maulvi Ahmad Ali and thirty-two other persons were arrested. The crowd was hostile and furious and had damaged one of the police vehicles with brickbats. In the second procession, twenty-nine persons were arrested. / In the third procession, twenty-three persons were arrested. Then there were small processions taken throughout the city which melted away when police contingents arrived and re-formed themselves when the police departed, thus keeping the police on the run throughout the day. Lastly, a big procession was taken out in the afternoon from Delhi Gate, joined on its route by the goonda element and the riff-raff, swelling to formidable numbers and giving itself the character of a mob intent on taking the law into their own hands. Shops were again closed, business came to a standstill, traffic was paralysed and law-abiding people shivered in apprehension of their own safety.

Did this also not invite the promulgation of an order under section 144, Criminal Procedure Code ?

A. We still thought that without enforcing an order under



section 144 we could control the situation.

Q. Were you then relying on the police force along or did you have in view any possible military aid to control the situation ?

A. We were not thinking of the army at the time. We thought of enlisting its aid only on the second March.

Q. In the light of the subsequent events, would you now consider that the promulgation of an order under section 144 on the 28th February would have been better ?

A. It would have made no difference, because, as the events showed, the order passed on the 2nd of March was also disobeyed.

To Court:-

Q. Would it not be a correct estimate of the situation that since on the 28th of February and the 1st of March no order was passed under section 144, people were encouraged to the extent that when the order was actually passed, they disobeyed it with impunity ?

A. People might have thought so.

Q. Would you be prepared to revise your earlier answer in view of the answer you have just made ?

A. I do think now that if the order had been passed on the



28th February, people would have thought that the situation was being dealt with seriously.

Q. Was the decision as to the passing of an order under section 144 on the evening of the 2nd March taken by the I.G.P. and other officers without previous reference to Government ?

A. Yes.

Q. Would Government have objected if you had taken a similar decision on the 28th February ?

A. No.

Q. Please tell us whose responsibility it was for not having applied section 144 on the 28th February, on the 1st of March and up to the evening of the 2nd March ?

A. That of the Inspector-General of Police.

Q. Did you, or the District Magistrate, or any of the other officers suggest the application of section 144 on the 28th February ?

A. Neither I, nor any other officer.

Q. Did not the District Magistrate say that he had a draft of an order under section 144 ready with him in case it was decided to apply it ?

A. Probably that was on the 2nd of March.

To counsel(continued):-

Q. Did the I.G.P. say that his decision not to apply S. 144 earlier was in pursuance of Government policy ?

A. He did not say so openly, but my impression was that as the I.G.P. was saying it must be in consonance with the Government policy.

To Court:-

Q. Is it not the practice of District Magistrates in Lahore to consult Government before they make an order under section 144 ?

A. I have no idea about it.

Q. Was no reference made at your meetings in the police station at the end of each day to the wishes of the Government in this matter ?

A. No. At our meetings we appraised the situation of the day with a view to finding a solution.

To counsel (continued) :-

Q. The events of the 2nd March show that there were ugly rumours about police excesses in Sialkot which the mischief mongers were spreading, that there were numerous small processions, that a procession of about ten thousand, "more hostile and rowdy than ever before" was led by Maulana Akhtar Ali Khan in the afternoon, and that the events of the day resulted in injuries to eleven

police officers including an S.P. and two D.S.Ps. Did you not then consider it advisable to clamp curfew on the city of Lahore ?

A. Immediately after this incident, I had gone to the Cantonment Police Station. Meanwhile, I found that a meeting of the Home Secretary, the I.G.P. and the D.N. had started in the Civil Lines Police Station. They might have considered it. I do not know about that. In any case, it was not imposed.

Q. Was curfew ever discussed to your knowledge on the 2nd evening ?

A. I don't think so.

Q. With each military patrol there was a magistrate deputed by the District Magistrate. Did any of these magistrates make any complaint about the military having not cooperated with them ?

A. I have some idea that some of the magistrates grumbled about the attitude of the military. In a conference held during the Martial Law days, the District Magistrate stated that he had received these complaints from some of his magistrates.

Q. You have stated in your written statement that after the close of the day on the 3rd March, it was clear to you



that this was not a localised but a widespread movement, embracing every part of the Province and that the Lahore police was having to tackle a problem which had assumed far greater proportions than had been generally anticipated. With this appreciation of the situation, did you advise the Inspector-General of Police and other officers to call in the military to take over ?

A. In fact, the I.G.P. himself was in command of the situation in Lahore. I was just acting under his orders or advice. He was dictating to me all the orders, and negotiations with the army were carried on by him throughout.

To Court:-

Q. Is it not correct that the situation in Lahore suffered because there were too many persons to be consulted ?

A. Yes.



To Counsel:

Q. You have mentioned in your written statement that

"from hostility, public feelings against the

administration turned into hatred". If this was the

appreciation of the situation, why did you not

suggest it to the I.G.P. to call in the military to

take over ?

A. The I.G.P. was still confident that the situation

could be brought under control through the police.

Q. When did the news of the murder of Sayyed Firdaus

Shah come to you ?

A. It was sometime in the evening of the 4th.

Q. Did you then go to the Kotwali and attend to the

events of the day while the Home Secretary, the

I.G.P., the D.I.G. and the representatives of the

Associated Press of Pakistan and of the Radio

Pakistan were there ?

A. I was there at the Kotwali for a short time only

not throughout the day.

Q. You say in your written statement that the

information to you was that the D.S.P. had been

removed into the mosque and stabbed to death.

Wherefrom did you get this information ?

A. A wireless message to this effect was received from the Kotwali while we were in the Civil Lines Police Station.

Q. Did any of the twenty-five constables, who accompanied the D.S.P., come to the Kotwali to report about the assault on the latter ?

A. I do not know.

Q. Did it come to your notice that the I.G.P. had issued a press statement on the same night that Sayyed Firdaus Shah had been shot dead ?

A. Yes.

Q. Ten persons, including Maulana Abdus Sattar Niazi, were challaned for the murder of Sayyed Firdaus Shah. Is it within your knowledge that they were all acquitted by the Special Military Court ?

A. Yes.

Q. Did it come out during the investigation of Sayyed Firdaus Shah's murder case that some goonda from the crowd had falsely alleged, as Firdaus Shah was passing by, that he was the person who had desecrated the Holy Qur'an at Chowk Dalgaran the same morning ?

A. I had that impression, not through the investigation, but otherwise, because somebody said this to me.

Q. I suggest it to you that because of the murder of Sayyed Firdaus Shah, the police lost their head and temper and indulged in indiscriminate firing on the night between the 4th and 5th of March ?

A. This is not my impression.

Q. Is it a fact that when some of the office hands struck work on the 5th, they protested against the indiscriminate firing by the police on the previous night ?

A. Yes.

Q. When the Secretariat staff struck work, on the 6th did they allege that they were doing so as a protest against the excesses of the police ?

A. I do not know.

Q. You say that there was a meeting of the notables of Lahore in the court room of the District Magistrate on the morning of the 5th. Was there any representative of the Juma'at-i-Islami present in this meeting ?



A. I do not know.

Q. Please name some of the important citizens who attended that meeting ?

A. Maulana Daud Ghaznavi, Begum Salma Tassaduq Husain, Nawab Muzaffer Ali Qizilbash and probably Begum G.A. Khan.

Q. Did not the citizens cooperate with the District Magistrate ?

A. They refused to cooperate in the maintenance of peace and order and said that the days in which popular support could be solicited by the head of the district had passed. They also said that it was not a problem for the District Magistrate and the S.S.P. alone to settle.

Q. Did they also say that the problem was being tackle on incorrect lines ?

A. Yes.

Q. Did not the events of the 5th March and your reaction after the meeting of the notables in the District Magistrate's court room, lead you to believe that



the agitation had assumed the character of a popular uprising against the Government ?

A. Yes.

Q. During the period 28th February to the noon of the 6th March, did any deputation of the Ahmadi notables of Lahore wait on you to report any danger to their property and life ?

A. I am not quite sure.

Q. Is it within your knowledge that the Ahmadi staff of Government departments, professors, students, lawyers and businessmen used to go about unescorted by the police without any untoward happenings except those detailed in your statement Ex. D.E. 319 ?

A. I am not sure whether all the Ahmadis were moving about freely and fearlessly in Lahore.

Q. Did any Ahmadi make any requisition for protection ?

A. I remember one such case in which I was asked to provide an escort to an Ahmadi living in Government quarters in the Chauburji; others might have asked

for protection from their own police stations.

At the suggestion of Mr. Yaqub Ali Khan:-

Q. Did any Ahmadis have their beards shaven out of fear  
of recognition as Ahmadis ?

A. I did receive such reports.

To Mr. Nazir Ahmad Khan, Advocate, contd.-

Q. Did the students give this as the reason for striking, that there had been indiscriminate firing ?

A. I do not know.

Q. You say in your written statement that the casualties on the 5th were many more than on the 4th. Can you say how many casualties were there on the 4th and how many on the 5th ?

A. No.

Q. May I suggest it to you that according to popular belief the killing on the 4th ran into hundreds ?

A. This is wrong.

Q. What was then the number of those killed on the night of the 4th ?

A. I have no figures with me now.  
you

Q. But can't give just a rough idea ?

A. I think the number of those killed on the 4th was less than ten.

Q. What, according to you, were the causes which made it difficult for the police to control the situation as it developed ? I put it to you that the main reason was that the Government had ordered restricted firing.

Is it true ?

A. Yes. I have already expressed this view.

Q. Is it true that on account of the frequent visits of Hon'ble Ministers to Lahore, police work had increased, resulting in lack of attention to routine duties ?

A. Yes. This is true. These had become our routine duties attending to distinguished visitors.

Q. You have said in your written statement that the agitation almost amounted to an uprising against the Government. What are your reasons for this ?

A. Discontent owing to unemployment, the food problem and other kindred matters.

Q. Is the luxurious feting of Ministers and other high dignitaries and the suspension of traffic for their stately passage, also a reason for public discontent ?

A. The general public definitely dislikes the pompous style in which high dignitaries are received and treated on tours, because nothing tells more effectively the common man the difference between him and his more prosperous brother in the land.



Q. When did it come to your knowledge that Maulana Maudoodi had warned people that no action should be attempted without the decision of the Central Council of Action ?

A. I do not know the exact date, but it should be some time before the 21st February.

Sd/- M.Munir.  
President.

11th January 1954.

Sd/- M.R. Kayani.  
Member.

Adjourned till tomorrow.

Sd/- M.Munir.  
President.

11th January 1954.

Sd/- M.R. Kayani.  
Member.

12th January 1954.82nd Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President,
Hon'ble Mr. Justice M.R. Kayani,	Member.

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Mr. Fazal Ilahi, Advocate, assisted by  
Mr. Ijaz Ali, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by Messrs  
Abdul Aziz and Said Akbar, Advocates,  
for Mr. Daultana.

Mr. Asadullah Khan, Advocate, assisted by Mr.  
Ghulam Murtaza, Advocate, for Sadr  
Anjuman-i-Ahmadiyya, Rabwah.

Mr. Nazir Ahmad Khan, Advocate, for the Juma'at-i-  
Islami.

Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-  
Amal, in person.

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Witness No:134 (Called by Court, continued):-

IN CAMERA Statement of Mr. Naeemud Din, Superintendent of Police

Lyallpur, on solemn affirmation (continued):-

To Maulana Murtaza Ahmad Khan Maikash (By permission of  
Court):-

Q. You have said that when a funeral procession was being  
taken some police constables appeared and the crowd

accompanying the procession chased them. Where did this happen ?

A. That was within the jurisdiction of Police Station New Anarkali.

Q. Was it not the same procession that was fired at by the police and the procession was dispersed ?

A. Not, according to my information.

Cross-examination by Mr. Muhammad Yaoub Ali Khan:

Q. Was a copy of the D.O. letter No:2544,29/BDSB, dated the 28th February 1953, from the Chief Secretary under the endorsement of D.I.G., C.I.D., Punjab, dated the 28th February, received by you ?

A. I do not remember having received or seen this letter.

Q. Since in the endorsement of the D.I.G., C.I.D., this letter was addressed to all Superintendents of Police, including the Additional S.P., Kasur, can you give any reason as to why it was not delivered to you or in your office ?

A. I am not positive. This letter might have come to my office. Unless I see the record I cannot reply to this question.

Q. In case this letter was received in your office, would you agree that it must have been put up to you and after

seeing it you must have put your initials on it ?

A. Yes.

Q. Can you tell me on what file in the office of the S.S.P., Lahore, this letter should be if it were received in that office ?

A. It can be traced from the special branch of the S.S.P.'s office.

Q. If you peruse this letter, will you recollect that this letter was received by you ?

A. I might have, received it but I would like to see the file.



Q. You have stated that there must be a record of the message received by Mirza Abbas, D.S.P., from the Government House. Can you tell us where would that record be ?

A. In those days a separate register was opened in which all such things used to be taken down. The telephonic instructions must have been entered in that register or in the daily diary of the Kotwali.

Q. Did you see this entry in the daily diary or the register ?

A. No.

Q. When you talked to him two days later about the context of this message, did he tell you that he had recorded the telephonic message in one or the other registers mentioned by you earlier ?

A. I did not inquire from him whether he had recorded this message or not.

Q. Did he mention it ?

A. No.

Q. Were you present in Lahore on the evening of 27th

February, 1953 ?

A. Yes.

Q. Did you meet the District Magistrate, the I.G.P., the Home Secretary or other officers on the evening of the 27th ?

A. I was sent for by the I.G.P. at his house in the evening.

Q. Was this soon after he, the Home Secretary and the Revenue Minister had returned from Karachi ?

A. Yes.

Q. Did they give you any oral instructions with regard to the manner in which the situation was to be dealt with in Lahore ?

A. The I.G.P. told me that they were going to take some action with regard to the leaders and the C.I.D. was undertaking to issue warrants and effect arrests and that I should provide district police to help them.

Q. Did he further tell you that the Government had decided to meet the challenge thrown by the sponsors of the direct action movement and that the agitators were to be dealt with firmly ?

A. From his talk I gathered that he was going to have a

firm policy.

Q. Did you act determinedly and definitely in the discharge of your duties as S.S.P. Lahore during the disturbances ?

A. I did my best.

Q. Did you fail to take any action to deal with the disturbances from 28th February onwards which you now think you should have taken to successfully meet the situation ?

A. Except that if I could have my own way, I should not have restricted the firing on the 5th, I acted faithfully and to the best of my ability.

Q. Whose duty is it to bring it to the notice of the District Magistrate or the higher authorities that a threat to peace and order is apprehended in view of which it might be considered whether restrictions under section 144 ought to be imposed ?

A. In the normal course in districts other than Lahore, it is the Superintendent of Police who requests the District Magistrate if the latter is not otherwise aware of the situation, but in Lahore the position is different. Here we have to be guided by our



own senior officers sitting on our head.

Q. The final decision may rest with the higher officers, but who will bring it to their notice that there is apprehension of threat to law and order ?

A. In Lahore since the C.I.D. collects the intelligence, it is usually through a suggestion from their department, particularly in an emergency of the present nature, that action is taken under section 144.

Q. Who is at the head of the district C.I.D. in Lahore ?

A. In other districts the Superintendent of Police is in charge of the C.I.D. staff also but in Lahore the D.I.G., C.I.D. is in charge.

Q. Is it a fact that no one puts up any such report to the S.S.P. Lahore ?

A. It comes to his notice through his own S.H.Os. and a skeleton security staff.

To Court:-

Q. What is this skeleton security staff ?

A. In Lahore it consists of one Sub Inspector, six A.S.Is. and a similar number of Head Constables.



Q. What are the duties of this staff ?

A. They are to look for any kind of intelligence  
and bring the same to the notice of the S.D.P.  
who forwards it for further action to the C.I.D.

So counsel continued:-

Q. Did you receive any such reports on or before the  
28th February from your own security staff ?

A. On the basis of the reports received, I  
anticipated trouble and I referred to this in my  
weekly diaries.

Q. Did you think it desirable that in order to  
strengthen the administration it was necessary to  
impose restrictions under section 144 on or before  
the 28th February ? If so, did you make any  
recommendations to the higher authorities ?

A. I did not put up any formal proposal for action  
under section 144 as the I.G.P. had almost taken  
over control of the situation from the evening  
of the 27th February when he started issuing  
directions about arrests etc.

Q. May I take it that no such suggestion was even made

orally by you to the I.G.P. because in your opinion if restrictions had been imposed under section 144 on or before the 28th February, it would have excited public feelings and you and the other district officers had thought it prudent not to provoke public opinion any further ?

A. I had laid all the facts before the D.I.G., C.I.D, and was awaiting orders. I was not thinking of public feeling or that it might be provoked.

Q. Did you make any oral suggestion to the I.G. about the imposition of restrictions on the 27th and 28th February or 1st March ?

A. I have already replied that I was awaiting the advice of the C.I.D. on the subject. The I.G. was also acting as D.I.G., C.I.D.

Q. You have said that the telephonic instructions received by Mirza Abbas from the Government House were communicated to all officers concerned. Did you communicate these instructions and is any record maintained which will show by whom and to whom these instructions were conveyed and at what hour ?

A. I did not communicate these instructions to anyone.

Q. Have you seen any such record ?

A. No.

Q. At what time did you reach the Government House on 6th morning ?

A. I think it must have been some time near 8 o'clock.

Q. You have told us that you left a little before the issue of the statement of the Chief Minister, which happened at about 12.30. What were you doing all this time in the Government House when the whole city was in turmoil ?

A. I did not stay on in the Government House, I think, for more than two hours, and even during that space of time I had to go out once or twice to contact the military officers stationed in the Gynkhana.

Q. Is it a fact that the city Kotwali was besieged by the rioters at that time ?

A. Yes.

Q. Did it come to your notice that at about 10 a.m. the military officer commanding shouted to the police officers in the Kotwali that unless the situation was handed over to him, he was going to pack up and take his men away from the Kotwali ?

A. I did not hear any such thing.

Q. His Excellency the Governor has told us that he met you and the Inspector-General of Police in the Government House and took you to task for having given the advice to H.C.M. for issuing a statement which should pacify the public. He has further said that you admitted having given such an advice but that when he took you and the I.G. to task, you both denied having given the advice and said that you had merely conveyed the trend of public opinion.



Did such an incident take place ?

A. No such incident took place.

Q. Did you have occasion to speak to His Excellency  
on that day ?

A. No:

Q. Did the Governor scold you for any-thing ?

A. No. This is totally wrong.

Q. Did the Governor speak to you on this subject ?

A. No.

Q. Were you produced before him ?

A. There was no such thing as my being produced  
before the Governor because there was complete  
pandemonium in the Government House and nobody was  
observing the usual decorum.

Q. Did you receive any communication from the District  
Magistrate asking you to inform him about the number  
of troops required in aid of civil power during the  
disturbances ?

A. I was given a typed letter by the District  
Magistrate to inform him about the number of  
troops required. It was most probably on the  
morning of the 3rd. By that time the troops had  
taken position somewhere near Jinnah Garden. The

letter was given to me when I was sitting with the District Magistrate in the course of the tribunal under the Control of Goondas Act, and I think I wrote out on the back of the same letter the number of troops required in aid of civil power.

Q. Did you contact any officer of the army soon after the arrival of the troops on the morning of the 3rd March ?

A. I did.

Q. Did you discuss with him any plan for the troops rendering aid to the police ?

A. I did not exactly discuss this, but I told him the routes on which I required the military patrolling. The magistrates had already been detailed to accompany the troops on patrol duty.

Q. Can you recall what were the routes on which the army was required to patrol on 3rd morning ?

A. Except the walled city, they had to move all over the city in three parties. They were also not to patrol on the Model Town side.

Q. Is it correct that the number of troops, arms and the number of patrols was left to the discretion

of the army commanders ?

A. All this was done by the army. I merely suggested the routes. Each patrol was accompanied by a magistrate who was nominated by the District Magistrate.

Q. Were the troops to accompany the police invariably on patrol duty ?

A. I think this was not the position I had directed my officers to provide assistance to the army whenever they asked for it and I remember that in some cases there were police officers moving with the army. I saw some military patrols moving without police officers as well.

Q. Did you post some police officers as liaison officers with the army ?

A. The military Liaison Officer had himself set up his office in the Police Station Civil Lines, where our own officers, the District Magistrate and myself were working in the same room.

Q. What were the duties of the army troops while patrolling on the routes indicated by you ?



A. In the first instance they were just to patrol for the purpose of show.

Q. Was there any other purpose ?

A. I know this much that the I.G. had been pressing the G.O.C. and other military officers that the troops should take some severe action.

Q. In case the troops came across riotous assemblies, what were their duties ?

A. On the 3rd March the troops were called in only to give a show of force to the public in support of police.

Q. In case these troops on patrol duty came across an unlawful or riotous assembly, what were they to do ? Did you expect them to disperse the unlawful assembly ?

A. If the patrol was accompanied by a magistrate, it could not use force unless the magistrate required it to do so. But if there was no magistrate accompanying, it could have acted independently.

Q. When you contacted the commander of the troops on the 3rd morning, did you tell him that the army patrols were to go out invariably accompanied by a magistrate ?



A. Not, I because this was decided by the District Magistrate.

Q. Were there any restrictions on the army to send as many patrols as they desired ?

A. There was no restriction from the civil side, so far as I know.

Q. Were they completely empowered to send any number of patrols ?

A. They were told that they were out to help the civil power.

Q. Was it necessary, before the military sent a patrol, to obtain the consent of the civil authorities, or to do so at their direction ?

A. The general position was that it was for the civil authorities to direct where a military patrol was to go and whether it was to be accompanied by a magistrate.

To Court:

Q. Did any military patrols go without being accompanied by a magistrate ?

A. I am not definite about this.

To Counsel contd.-

Q. Who was the police officer detailing military patrols on 3rd ?

A. The District Magistrate had some discussion with the military about these patrols and allocation of ministerial duties to them. In the morning of the 3rd I personally went to the Military Headquarters and gave them the routes, which had been chalked out in consultation with the District Magistrate. Subsequently, there were no police officers present at the headquarters of the military. The magistrate and the troops were themselves to decide how to operate..

Q. In view of this answer, would you revise your earlier answer that it was for the police to direct the troops to move out in patrols on the 3rd March ?

A. What I have just now stated was the correct position.

Q. Did the military withdraw the troops and cease to patrol at your suggestion ?

A. No.

Q. It has been said by the General Officer Commanding that on the 4th of March at 9 a.m. in consultation with the Deputy Commissioner and the Senior Superintendent of Police, Lahore, the 1st Baluch Regiment, less one Company, was withdrawn to the Cantonment, because the police had brought the situation under control. Was it so?

A. I did not say any such thing about this withdrawal. On the other hand, I made a protest against the withdrawal of troops.

Q. Can you tell us any reason why the military withdrew its troops on the 4th ?

A. No. This withdrawal was a surprise to me. There was some patrolling by the military on the morning of the 4th. At about 11 o'clock, we found that the patrolling had stopped. On this, I myself went to the military headquarters in Jinnah Garden and requested them to resume patrolling,

To Court:-

Q. Had any troops been withdrawn to the Cantonment on the morning of the 4th ?

A. I do not know.

To counsel (continued) :-

Q. Did the army officer, to whom you protested, give any reason for withdrawing the army patrols on the morning of the 4th ?

A. I met a military officer of the rank of a Major or Captain at the headquarters. He was trying to get into touch with his G.O.C. over the wireless which had gone out of order and which was being repaired by a mechanic. The impression that he gave to me was that the G.O.C. was trying to get some instructions from the G.H.Q. on some matter. This was some time after lunch.

To Court:-

Q. Did that officer tell you why the patrolling had been stopped ?

A. No.

Q. Did you ask him ?



A. The officer told me that there were some instructions from the Div. Headquarters to stop patrolling. ✓

To counsel (continued) :-

Q. Did the G.O.C. or any army officer present at the City Police Station on the evening of the 4th, after the murder of Firdaus Shah, D.S.P., suggest or offer that the troops were available to go into action in the Wazir Khan Mosque or inside the walled city ?

A. I am not definite on the subject, because in that meeting I was not present throughout. I stayed there for some time. I only know that some troops had come to the Kotwali,

Q. Was it necessary in your judgment to have gone into action and cleared the Wazir Khan Mosque on the evening of the 4th after the murder of Firdaus Shah, D.S.P. ?

A. I simply received instructions from the I.G.P. I did not take any decision because I was not in that position.

Q. Did the I.G.P. mention to you the desirability of going into action ?

A. The I.G.P. had been discussing this fact with many other C.I.D. officers and the G.O.C. and he explained that it might cause bloodshed, if at that time they moved into the Wazir Khan Mosque.

Q. Were you also of the same view that, if the police had taken any action at 9 a.m. to get the Wazir Khan Mosque cleared, it would have resulted in heavy casualties on the police side ?

A. I think there would have been some bloodshed on either side.

To Court:-

Q. If you had been left alone and you had sufficient force with you, would you not have taken steps to clear the Wazir Khan Mosque on the evening of the 4th or on the following day ?

A. I would have.

Q. Did you make my suggestion that the mosque should be cleared ?

A. I did not because my personal opinion did not carry any weight.

Q. Was the District Magistrate in the same position as you, namely, completely incapable of taking any independent decision and throughout being guided by decisions taken by higher authorities ?

A. I think so.

To counsel (continued) :-

Q. Did the order for the arrest of Abdus Sattar Khan Niazi reach you on the 4th ?

A. In fact that order never came to me.

Q. Was it received in your office ?

A. I do not think this order ever came to my office, because the execution of the warrant was entrusted to the C.I.D.

Q. If the execution of the warrant had been entrusted to you, do you think you were in a position to arrest him on the evening of the 4th from inside the mosque ?

A. There would have been great trouble over it, but the possibility of successfully executing the warrant was there.

Q. How many persons were there inside the mosque on the evening of the 4th of March ?

A. From 300 to 500, according to my estimate.

Q. Did you go to the mosque at any time on the 4th of March ?

A. No.

Q. Was there a large crowd collected outside the mosque on the evening of the 4th ?

A. The crowd was coming and going.

Q. Is it a fact that the twenty-five police officers, who were accompanying Firdaus Shah, D.S.P., deserted him



and did nothing to defend him ?

A. According to my information, they did not fire and ran away.

Q. Were not the persons who ran away subject to your discipline ?

A. Yes.

Q. Did you make any inquiry about this ?

A. I left this matter to the investigating officer and made no specific order.

To Court:-

Q. When were you transferred from Lahore ?

A. I left Lahore on the 4th May 1953.

Q. Was the investigation complete by that time ?

A. I do not know, because the investigation was with the C.I.D.

To counsel (continued):-

Q. In view of the behaviour of the 25 police officers who accompanied the D.S.P., do you still maintain that it was possible to execute a warrant for the arrest of Abdus Sattar Khan Niazi on the 4th evening from inside the mosque ?

A. I have already said that it was possible to do so.



Q. Do you know what was the strength of the troops available in aid of civil power on the 5th morning ?

A. I do not know exactly.

Q. Do you know if the military patrols were moving all over the city, except the walled area for the whole of 5th March ?

A. They had been patrolling.

Q. Were they accompanied by police ?

A. At some places they were and at others they were not.

Q. Were they invariably accompanied by magistrates on that day ?

A. I think so, though I will not be very certain on this subject; but there were some parties with which there were no magistrates.

Q. Were any restrictions imposed by the Civil authorities on the troops in Lahore on the 5th ?

A. My impression is that there was no restriction.

Q. Is it a fact that on the whole of the 5th March, large number of processions and riotous mobs were moving about all over the city ?

A. Yes.

Q. Is it a fact that the troops while on patrol duty came in contact with these processions and mobs ?

A. The circumstances that existed at the time were such that they gave me an idea that the army did come across demonstrators, but I have no proof.

To Court:-

Q. General Azam said that whenever military patrols came across rioters, the rioters dispersed. Is that correct ?

A. It is possible that this had happened.

Q. Did anybody bring it to your notice that the military came across rioters but took no action ?

A. I cannot offer any concrete instance but the impression created at that time was that the military were not taking any independent action.

Q. Did you gather this impression from any talk with your subordinates or any other officer ?

A. I gathered this impression from some of the police officers. They just said that the military did not open fire or disperse crowds and I accepted that statement.

Q. Did they give you any concrete instance ?

A. No.

To counsel continued:-

Q. Did your subordinate officers tell you that there were occasions for such firing ?

A. There were some complaints but they were vague.

Q. Do you know that on the 5th March a decision had been taken at the Government House that in the first instance police shall take firm action and in case it failed to tackle the situation, it should hand over the situation to the army ?

A. These decisions in the Government House came down to my level so late that they had been superseded by other decisions.

Q. You have stated that you had no initiative and that it was the I.G.P. who was in command in Lahore during the disturbances. Did he tell you <sup>verbally</sup> on the 5th morning of this decision ?

A. Not in clear terms.

Q. Will you recall the terms of the orders conveyed to you on this subject by the I.G.P. ?

A. In his talk he just said that the police was tackling the situation firmly and should continue doing so.

Q. Should I take it that he did not tell you at all that in case the police failed to tackle the situation, it should hand over to the army ?

A. It was not said to me by the I.G.

Q. Did the D.I.G. or any other superior officer tell you anything about the decisions of the 5th morning?

A. No.

Q. Did any occasion arise on the 5th when, in your judgment, the situation should have been handed over to the army ?

A. No.

Q. Did any situation arise when it should have become necessary to hand over the entire city to the army ?

A. Yes, on the morning of the 6th when the Chief Minister's appeal was issued. I should say even a little earlier, when the police found itself unable to act owing



to conflicting instructions as regards firing.

Q. Did you receive any complaints from your subordinate officers that they were handicaped because of the alleged confused instructions in handling the situation in their respective areas ?

A. Yes.

Q. Did you make any written complaint to the I.G. ?

A. No, but I spoke to him about this verbally.

Q. Did you meet the I.G. frequently on the whole of the 5th and on the 6th up to the declaration of Martial Law ?

A. I met him twice or thrice on the 5th.

Q. Did he convey to you any instructions which in your mind created confusion ?

A. I do not think so.

Q. You have stated that you were acting entirely under the directions of the I.G. Then how is it that your action suffered because of any confusion in the instructions given on the morning and the evening of 5th March ?

A. The confusion was created by instructions received at the Kotwali.

Q. What were your instructions for the whole of the 5th March up to the time you received these instructions and who gave you these instructions ?

A. We were just dealing with the situation as a law and order problem.

Q. When you found that the instructions received in the Kotwali on 5th evening were confusing, can you give any reason why you did not contact the I.G. for a clarification of those instructions ?

A. Curfew had by then been imposed and so far as I remember, there was no occasion for the police to fire during the night.

Q. May I then take it that as a result of the instructions of the 5th evening the situation of law and order did not suffer ?

A. Yes, because of curfew. The moment the curfew was lifted, the trouble started again.

To Court:-

Q. You have said that the Inspector General of Police had practically assumed your functions. Did you get the impression that the I.G. himself was acting independently or whether in his turn he was

receiving instructions from higher quarters ?

A. I did not apply my mind to this question.

Q. Were the decisions taken on the morning of the 5th as to how the police were to act communicated to you in writing by the I.G.P. ?

A. No.

Q. Were they communicated to you at all ?

A. I do not know much about those decisions. They were not communicated to me.

Q. At whose suggestion was the decision to promulgate an order under section 144 taken on the night of 2nd March ?

A. I am not certain about it.

Q. Is it your duty in such cases to suggest that an order under section 144 should be passed ?

A. Usually S.Ps. do make such requests to the District Magistrates but there are occasions when the District Magistrate being in charge of law and order should himself apply his mind to this question.

Q. After the decisions of the 5th morning, did military patrols go alone or were they always accompanied by detachments of police ?

A. They were not always accompanied by the police.

Q. Was any change brought about by the decisions of the morning of the 5th in the cooperation between the military and the police ?

A. No.

Q. Can you state the reason why the walled city was exempted from the operation of orders under section 144 ?

A. The decision to exempt the walled city was that of the I.G.P. He was of the opinion that it would be impossible to enforce these orders within the walled city.



Q. Does it not follow from this that on the night of the 2nd March, the civil authorities had the impression that the walled city had gone out of their hands and that they could not enforce law and order in the walled city ?

A. To exclude the walled city was the opinion of the I.G. and he explained the situation.

Q. Did the District Magistrate agree with him? Did he express any opinion ?

A. I do not know.

Q. After the firing was restricted by the decisions taken on the evening of the 5th, did the police do any serious firing up to the time of the proclamation of the martial law ?

A. The police did some firing on the morning of the 6th.

Q. Can you recall the incident in which that firing was resorted to ?

A. No.

Q. Has the abolition of the system of Zaildars, Sufedposhes, honorary magistrates, honorary sub registrars, and all title holders in any way

affected the cooperation of the public with, and the sources of information to the authorities ?

A. Yes.

Q. What impression did you get about military cooperation ? Did you also feel that they were not cooperating with the civil authorities, or did you get a contrary impression ?

A. My impression is that we did not receive from the <sup>they</sup> military the kind of cooperation that extended in the riots of 1947. When they effected arrests also without reference to anybody.

R.O. & A.C.

Sd/- M. Munir,  
President.

Sd/- M.R. Kayani.  
Member.

12th January 1954.

Witness No: 135 (Called by Majlis-i-Amal)

Mirza Bashiruddin Mahmud Ahmad, Head of the  
Ahmadiyya Community at Rabwah, on S.A.-

To Court:

Q. Does the written statement put in this Court  
on behalf of Sadr Anjuman Ahmadiyya Pakistan,  
Rabwah, dated 22nd July 1953, verified by Mirza  
Aziz Ahmad and signed by Mr. Bashir Ahmad,  
Mr. Asadullah Khan and Mr. Ghulam Murtaza, rightly  
represent the views of your community ?

A. Yes, making allowance for any possible mistake  
due to oversight.

Q. The Court of Inquiry put some questions to your  
Anjuman to which Ex.D.E.322 is a reply. Does  
this reply also represent the views of your  
community correctly ?

A. Yes. This reply was shown to me and rightly  
represents the views of my community, but the  
same allowance must be made in respect of this  
document for any possible oversight.

Q. In reply to the statement of Maulana Abdul Ala  
Maudoodi, a statement was put in this Court,

Ex.D.E.323. Have you seen this statement ?

A. This statement was prepared after consulting me and probably I read it. Subject to the same qualification as I have mentioned in respect of the other two documents, this statement also should be deemed rightly to represent the vies of the community of which I am the head.

Q. Who is a "rasul" ?

A. A person deputed by Allah for a special purpose for the guidance of humanity is called a rasul.

Q. Is there any distinction between a "rasul" and a "nabi" ?

A. There is no essential difference of attributes between the two. The same person considered from the point of view that he is a messenger of Allah will be called a "rasul", while from the point of view of the people for whom he brings the message, he will be called a "nabi". Therefore, the same person would be both a "rasul" and a "nabi".

Q. According to you, how many rasuls or nabis have appeared since Adam ?

A. Nothing definite can be said on this point. The ahadis put the number at 1,20,000.



Q. Were Adam, Noah, Abraham, Moses and Jesus rasuls ?

A. There is difference about Adam, whom some believe to have been merely a "nabi" and not a "rasul". According to me, they were all rasuls as well as nabis.

Q. Who is a "wali" ?

A. One who is dear to Allah.

Q. And a "muhaddas" ?

A. One to whom Allah speaks.

Q. And a "mujaddid" ?

A. A person who renovates and reforms. Mujaddid is another name for a muhaddas.

Q. Can a wali, a muhaddas, or a mujaddid be the recipient of wahi ?

A. Yes.

Q. How is wahi communicated to them ?

A. Wahi merely means "Allah's word", which may be communicated to the recipient in several ways. One of the modes in which wahi is received is by the appearance of an angel before the recipient. An other mode is that the recipient hears words without seeing anyone speak to him. The third mode of the communication of wahi is "min wara-i-hijab" ("from beyond the curtain"), namely through a vision.

Q. Can Archangel Gabriel ( Hazrat Jibreel ) be the medium for the communication of wahi to a wali, a muhaddas or a mujaddid ?

A. Yes, even to persons other than those enumerated.

Q. What can be the subject-matter of wahi in the case of a wali, a muhaddas or a mujaddid ?

A. Expression of divine love for the recipient, prediction of something that is going to happen or the clarification of the text of an earlier revealed book.

Q. Was wahi brought to our Holy Prophet by Archangel Gabriel (Hazrat Jibreel ) alone ?

A. It is not correct that every wahi was brought to our Holy Prophet by Archangel Gabriel (Hazrat Jibreel), but it is a fact that wahi, whether it is communicated to a nabi or to a wali, muhaddas or mujaddid, is communicated under the supervision of Archangel Gabriel (Hazrat Jibreel):

Q. What is the difference between wahi and ilham ?

A. There is no difference.

Q. Was wahi brought to Mirza Ghulam Ahmad Sahib by Archangel Gabriel (Hazrat Jibreel) ?

A. I have already said that every wahi is communicated under the supervision of Archangel Gabriel ( Hazrat Jibreel). One of the ilhams of Mirza Sahib shows that Archangel Gabriel (Hazrat Jibreel) appeared before him in a visible form once.

Q. Do you believe that Mirza Ghulam Ahmad Sahib was a nabi in the dogmatic sense ?

A. I do not know any dogmatic definition of nabi. I take a person to be a nabi who is given that appellation by Allah.

Q. Did Allah Describe Mirza Ghulam Ahmad Sahib as a nabi ?

A. Yes.

Q. When did Mirza Sahib first say that he was a nabi ?

Please give the date and reference to his writing ?

A. He claimed to be a nabi, as far as I remember, in 1891.

Q. Does the appearance of a nabi give rise to a new ummat ?

A. No.

Q. Does it give rise to a new Juma'at ?



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A. Yes.

Q. Does not the belief in a new nabi affect his followers' conduct towards others ?

A. The answer to this question is in the affirmative if the nabi comes with a new shara'. If he brings no new Shara' the conduct of the followers of that nabi will be affected according to the treatment that they receive from others.

Q. Are Ahmadis a separate class in the second sense ?

A. We are not a separate ummat but a sect ("firqa") of Muslims.

Q. Is the first duty of an Ahmadi to his State or to the head of his community ?

A. It is a part of our creed that we should obey the Government of the State in which we live.

Q. Before 1891, did not Mirza Ghulam Ahmad Sahib repeatedly say that he was not a nabi and that the wahi revealed to him was not wahi-i-nubuwwat but wahi-i-wilayat ?

A. He said in 1900 that till then he was of the view that a person could be a nabi only if he brought a new shara', but that Allah in one of the wahis



revealed to him that this was not a necessary qualification of a nabi and that a person could be a nabi without bringing a new shara'.

Q. Was Mirza Ghulam Ahmad Sahib ma'sum ?

A. If the meaning of the word ma'sum is that a person can never err, then nobody is ma'sum, not even our Holy Prophet. When the epithet ma'sum is applied to a nabi, the meaning is that he cannot contravene any rule of the shara' by which he is governed. In other words, he is not capable of committing any kind of sin, sagheera or kabeera, or even of acts that are called makruhat. There have been several nabis who appeared without bringing any shariat with them. In matters not relating to shara', a nabi is liable to commit errors of judgment. In litigation between two parties, for instance, he might give a wrong decision.

Q. How you should be able to answer the question whether Mirza Ghulam Ahmad Sahib was ma'sum in any sense ?

A. He was ma'sum in the sense that he could not commit a sin, sagheera or kabeera.

Q. Do you believe that on yaum-ul-hisab, Mirza Sahib will be liable to account like other mortals ?

A. The presumption is that he will not be liable to account. Our Holy Prophet has said that numerous other persons, from among his ummat who are not nabis, will not be liable to account on yaum-ul-hisab.

Q. What happens to ambiya on death? Do they lie in the grave like other human beings until the yaum-ul-hisab or do they go straight to firdaus or a'raf?

A. According to my belief it is not correct that prophets on death go straight to firdaus or a'raf. It is, however, true that they are taken to a special place nearer to Allah. Since Mirza Ghulam Ahmad Sahib was a nabi, he must have been treated by Allah in a special manner and not like other Ahmadis.

Q. Do you believe that when a man dies, he is visited in his grave by Munkar and Nakir?

A. Munkar and Nakir are two angels but I do not believe that they will appear in a physical form to question the dead in the grave.

Q. Why do Munkar and Nakir come to the grave?

A. To apprise the dead man of his past conduct.

Q. Do you think that Munkar and Nakir also came

to the grave of Mirza Ghulam Ahmad Sahib ?

A. I have no means of knowing this.

Q. Was Mirza Ghulam Ahmad Sahib inheritor of the

divine light which Allah placed within Adam after pardoning him ?

A. I know of no such theory. This phenomena is not

mentioned in the Qur'an or any sahih hadis.

Q. Does the Qur'an expressly predict the appearance of Messiah or Mehdi ?

A. They are not mentioned by name.

Q. Are the ahadis unanimous on the appearance of Messiah and Mehdi ?

A. There is no hadis indicating that there would be no Messiah. As regards Mehdi, some of the ahadis state that he will be the same person as Messiah.

Q. Are these ahadis accepted by the Muslims unanimously ?

A. No.

Q. Do not these ahadis show that Messiah and Mehdi will be two different persons ?

A. Yes. Some of the ahadis give that impression.

Q. According to these ahadis, which predict the appearance of Messiah and Mehdi, how long after the slaying of Dajjal and the destruction of Yajuj and Majuj, will Israfil blow his first blast ?

A. I attach no importance to these ahadis.



Q. Do you believe in the ahadis relating to Dajjal and Yajuj-Majuj ?

A. I will have to check these ahadis in order to be able to answer this question. Dajjal, Yajuj and Majuj are all mentioned in the Qur'an.

Q. Will the promised Messiah or Mehdi have the status of a nabi ?

A. Yes.

Q. Will they be temporal sovereigns ?

A. Not according to me.

Q. Is there any hadith to the effect that the Messiah will repeal the rule relating to jihad or jazya ?

A. One hadith relates to jazya, the other to harb. We prefer the hadith relating to jazya and consider the other to be in explanation thereof. We do not think the actual word used ( يُذَوِّعُ ) "yaze'o" means "repeal". We think it means "postponement".

Q. Did Mirza Ghulam Ahmad Sahib claim to be the promised Messiah and Mehdi ?

A. Yes.

Q. Is belief in the appearance of Messiah or Mehdi an essential part of Muslim belief?

A. Yes, in case a person realises that it is true, it is

his duty to accept it.

Q. Is din-i-Islam a politico-religious system ?

A. It is a religious system, but it contains some political injunctions which form part of the religious system and these are as binding as other rules of the system.

Q. What is the status of the kuffar in this system ?

A. The kuffar will have the same status as the Muslims.

Q. Who is a kafir ?

A. The words kafir, momin and muslim are relative and co-related with one another, having no definite connotations. In the Qur'an the word "kafir" is used both in relation to Allah and in relation to taghut.

(طاغوت) . So also momin is used in relation to (طاغوت) .

Q. Are the kuffar, namely, non-Muslims, entitled under the Islamic system to take part in law-making and administration of law, and to occupy positions involving high executive responsibilities ?

A. In my view what the Qur'an calls a purely Islamic Government is now an impossibility. According to that definition of Islamic Government it is necessary that all the Musalmans of the world should form one political unit and this in the existing circumstances is wholly impracticable.

Q. Has there ever been an Islamic form of Government ?

A. Yes, during the Islamic Republic of Khulafa-i-Rashidin.

Q. In that Republic what was the position of the kuffar ?

Could they take part in law-making and in the administration of law and could they occupy positions of high executive responsibilities ?

A. This question did not arise, because during the Islamic Republic there was perpetual war between the Musalmans and the kuffar. The kuffar who were conquered acquired in the Islamic State the same rights as the Muslims. In those days, there were no elected legislatures in the form in which we have them today.

Q. Was there a separate judiciary during the time of the Holy Prophet ?

A. The highest judicial authority in those days was the Holy Prophet himself.

Q. In an Islamic form of Government, can a kafir have the right publicly to preach his religion ?

A. Yes.

Q. In an Islamic State, if a Muslim, after making a comparative study of religion, honestly decides to give up Islam and to embrace another religion, say Christianity, or becomes an atheist, does he forfeit the rights of the subject of that



State ?

A. Not according to me, though there are other sects in Islam who would inflict capital punishment on such a person.

Q. If a person, after giving due consideration to the claims of Mirza Ghulam Ahmad Sahib, comes to the honest conclusion that the claim was false, does he remain a Muslim ?

A. Yes. He will still be treated as a Muslim in the ordinary sense.

Q. Will God, according to your view, punish people for religious opinions or beliefs wrongly but honestly held ?

A. According to me, the criterion for punishment or otherwise would be "honesty" and not the "truth" of the opinion.

Q. Is it the religious duty of the Government of an Islamic State to make all Muslims conform to all laws contained in the Qur'an and the Sunnah, including rules relating to "haququllah" ?

A. The basic principle of Islam is that liability for a



individual and a man is liable only for the sins that he himself commits. Therefore, if a man in an Islamic State contravenes the law contained in the Qur'an and the Sunnah, he himself is liable.

Sd/- M.Munir.  
President,

13th January 1954.

Sd/- M.R.Kayani.  
Member.

Proceedings adjourned till tomorrow.

Sd/- M.Munir.  
President.

13th January 1954.

*Sd/- M.R.Kayani.*

14th January 1954.84th Sitting

Present: Hon'ble Mr. Justice Muhammad Munir,  
 Chief Justice, PRESIDENT;  
 Hon'ble Mr. Justice M.R. Kayani, MEMBER.

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Mr. Fazal Ilahi, Advocate, for the  
 Punjab Government, assisted by  
 Mr. Ijaz Ali.

Mr. Yaqub Ali Khan, Advocate, for  
 Mian Mumtaz Muhammad Khan Daultana,  
 Mr. Bashir Ahmad, Advocate, assisted by  
 Messrs Asadullah Khan, Ghulam Murtaza  
 and Abdur Rahman Khadim, Advocates,  
 for Sadr Anjuman Ahmadiyya, Rabwah.

Ch. Nazir Ahmad Khan, Advocate, for  
 Juma'at-i- Islami.

Mr. Mazhar Ali Azhar, Advocate, for  
 Majlis-i- Ahrar.

Mr. Fateh Muhammad Aziz, Advocate, for  
 Ahmadiyya Anjuman-i- Isha'at-i-Islam,  
 Maulana Murtaza Ahmad Khan Maikash,  
 Member, Majlis-i-Amal.

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Witness No. 135. (called by Majlis-i-Amal):

Mirza Bashiruddin Mahmud Ahmad, Head of the Ahmadiyya Community at Rabwah, on S.Ai-

Q. You stated yesterday that liability for sin is individual suppose I am a Muslim subject of a Muslim State. I see another person doing something which is contrary to the Qur'an or the Sunnah. Is it my religious duty to stop him from such contravention, the meaning of religious duty being that if I do not stop him, I myself commit a sin?

A. Your duty is merely to advise the man.

Q. Even if I am sahib-i-amr?

A. Even then your religious duty does not require you to stop him.

Q. If I am sahib-i-amr, will it be my duty to make a temporal law making such contraventions punishable?

A. No. It will not be your religious duty but the making of such legislation will be within your discretion.

Q. Is not the denial of a true nabi kufur?

A. Yes, it amounts to kufur. Kufur is of two kinds, that which turns a person out of the millet and that which does not turn him out. Disbelief in the kalima constitutes kufur of the first kind, kufur of the second kind is constituted by lesser heresies.

Q. Will a person who does not believe in a nabi who appears after the Holy Prophet be liable to ultra mundane penalties?

A. We consider such a person to be a sinner but whether Allah will hold him to account or not would be for Him to decide.

Q. Do you read the letter "ن" in Khatim-un-Nabiyyin with fatah or with kasr?

A. Both are right.

Q. What is the true meaning of this expression?

A. If it is read with a fatah, it means that our Holy Prophet is an embellishment of the other prophets just as a ring is an embellishment for a



person. If it is read with kasr, lexicons say that even then it will have the same meaning. It will also mean the person who brings a thing to finality. In that sense it would mean that Khatim-un-nabiyyin is the last of the prophets. In the latter case, the word a nabiyyin would mean prophets with shara', in other words tashreeenabi.

Q. In what sense was Mirza Ghulam Ahmad Sahib a nabi?

A. I have already answered this question. He was a nabi because Allah described him so in wahis.

Q. Will persons of the spiritual status of Mirza Ghulam Ahmad Sahib appear in future?

A. This is a possibility but it cannot be said whether Allah would or would not send any more such persons.

Q. Can a woman be a nabi?

A. The ahadis say that a woman cannot be a nabi.

Q. Did any woman in your juma'at lay claim to that status?

A. Not to my knowledge.

Q. Is jahanum eternal?

A. No.

Q. Is Jahannum an animal or a moving thing or a fixed place?

A. Jahannum is merely a spiritual phenomenon.

Q. Ghazali has described jahannum as if it were an animal. Is it correct?

A. It appears that this word was used in a figurative sense.

Q. Some critics of Islam have remarked that Islam as understood by an ordinary theologian perpetuates intellectual slavery inasmuch as it sends honest dissidents, however, honest, to eternal hell?

A. In my opinion Islam is the only religion which does not consider hell to be eternal.

Q. Does it mean that Allah's forgiveness will extend to these who are not even Muslims?

A. Certainly.

Q. Is the modern conception of a nation, namely, citizens of a State belonging to different religions having equal political rights, known to Islam?

A. Certainly.

Q. What is the duty of a Muslim living under a non-Muslim Government, if that Government makes a law which is repugnant to the Qur'an or Sunnah?

A. If the State in legislating uses powers which it should use as a State, the Muslim should obey the law. If the law is personal, for instance, if it forbids Muslims from saying prayers, then, since this is a major question, the Muslim should leave the land. If it is a minor question, as for instance, a matter that affects succession, marriage, etc., the Muslim should reconcile himself to it.

Q. Can a Muslim be a faithful subject of a non-Muslim State?

A. Certainly.

Q. What is his duty, if, being in the army of a non-Muslim State, he is required to fight with the army of a Muslim



State?

A. It is for him to consider whether the Muslim State is in the right. If he considers the Muslim State to be right, it would be his duty to resign or to declare himself a conscientious objection, as is done in some countries.

Q. Do you believe that Mirza Ghulam Ahmad Sahib also would be shafi in the sense in which our Holy Prophet is considered to be a shafi?

A. No.

To Mr. Nazir Ahmad Khan, Advocate, on behalf of the Juma'at-i-Islami:-

Q. What status has "Alfazi" in your community and what is your connection with it?

A. It is true that the paper was started by me, but I gave up my connection with it two or three years later. I did so probably in 1915 or 1916. It is now owned by the Sadr Anjuman Ahmadiyya, Rabwah.

Q. Was it, after 1915-16, within your power to stop the publication of this paper?

A. Yes, in the sense that the Juma'at is loyal to me and if I tell them not to purchase the paper the publication will



automatically stop.

To court:-

Q. Can you advise the Anjuman to stop it ?

A. I can also advise the Anjuman which owns the paper to stop the publication.

To counsel(continued) :-

Q. Do you agree with the definition of momin and muslim given in answer to one of the questions put by the court to the Sadr Anjuman Ahmadiyya, Rabwah?

A. yes.

Q. Are the views expressed by you today and yesterday in any way inconsistent with those expressed in the "Introduction " of "Tashheez-ul-Azhan" for April 1911?

A. No.

Q. Do you still hold the belief expressed at page 35 of Chapter I of "A'ina-i-Sadaqar" that all those Muslims who have not rendered bai'at

to Mirza Ghulam Ahmad Sahib, whether they have heard of him or not, are kafirs and outside the pale of Islam?

- 9 A. The statement itself shows that I regard the people who are in my mind to be Musalmans. When I use the word "kafir", I have in mind kafirs of the second kind whom I have already defined, namely, those who are not excluded from the millat. When I say they are outside the pale of Islam, I am thinking of the observation made at page 240 of "Mufredat-i-Raghib" where Islam has been described in two ways, "doonal-iman" and "fauqul-iman". "Doonal-iman" includes Muslims whose degree is below iman. "Fauqul-iman" describes those Muslims who so excel in their faith that they are above the ordinary iman. When, therefore, I said that certain people, are beyond the pale of Islam, I was thinking of those Muslims who can be placed within the definition of "fauqul-iman". The Holy Prophet is reported in Mishkat to have said that a person who aids a tyrant and supports him is kharij from Islam.
10. Have you not, before the present agitation started, been describing Musalmans who do not believe in

Mirza Ghulam Ahmad Sahib to be kafirs and outside the pale of Islam?

A. Yes. I had been saying this and at the same time had been explaining the sense in which the terms "kafir" and "kharij az da'ira-i- Islam"

Q. Is it not true that before the present agitation started you were advising your community not to say prayers after a non-Ahmadi imam,, not to join funeral prayers of non- Ahmadis and not to give their daughters in marriage to non-Ahmadis?

A. I have been saying all this in reply to similar advice being given by the Ulama of non-Ahmadis; but in a lesser degree, for the reward of evil is evil of a like nature."

Q. You have said in your evidence now that a person who honestly does not believe in Mirza Ghulam Ahmad Sahib still remains a Muslim. Was this been your view from the very beginning?

A. yes.

Q. Are the differences between the Ahmadis and the other Muslims fundamental( "bunyadi")?

- A. If the word fundamental ("bunyadi" ) carries the same sense as was attributed to it by our Holy prophet, then the differences are not fundamental.



Q. If the word "bunyadi" is used in the ordinary sense?

A. In the ordinary sense the word conveys the meaning of "primary" but even in this sense also the differences are not bunyadi but are only furu'i.

To court:-

Q. What is the number of Ahmadis in Pakistan?

A. Between two and three lacs.

To counsel continued:-

Q. Is "Tohfa Golarvis" published in September 1902

a publication of Mirza Ghulam Ahmad Sahib?

A. yes.

Q. Do you know or not that the belief stated in the following paragraph is the belief held by the

general body of Muslims?

جس کا کہنا ہے کہ میرزا غلام احمد علی ہر ایمان والا نہیں ہے۔ البتہ میں اس بات پر ایمان نہیں رکھتا کہ حضرت علیہ السلام نے یہ دعویٰ کیا ہے۔ آپ اعلیٰ محمدی جو صدی گزشتہ میں ہے۔ دراصل اللہ تعالیٰ کا حوالہ دہی گزشتہ میں ہے۔

A. According to the general body of Muslims, it applies to our holy Prophet only. According to us, it applies to the "oly Prophet Principally, but it also to Mirza Ghulam Ahmad Sahib in a "reflected " manner.

Q. Please refer to "Alfazi" dated 21st August, 1947, at

page 7, column 1 where you have discussed the differences

between your juma'at and ghair Ahmadis and stated:

"وہ حضرت مسیح موعودؑ نے تو فرمایا ہے کہ اللہ اسدم اور ہے۔ اور سہارا اور۔ اُن کا خدا اور ہے  
اور سہارا خدا اور۔ سہارا حج اور ہے اور اُن کا حج اور۔ ایسی عبارت میں  
اضطہت ہے۔"

Is this correct?

A. At the time I had no diarist and cannot, therefore,

be certain that I have been correctly reported. The

meaning of the passage, however, is to be taken

figuratively. What is intended to convey is that

we do things more sincerely.

Q. Did you say in "Anwar-i-Khilaafat" at page 93:

"اب کیا در سوال جواب ہے کہ غیر احمدی موعودؑ کے منکر سونے اسلئے ان کا خزارہ نہیں بڑھا جاتا ہے  
کیونکہ ان کے منکر سونے کا خزارہ نہیں بڑھا جاتا ہے! وہ تو مسیح موعودؑ کا منکر نہیں سہارا  
سوال پڑھنے والے سے پوچھتا ہوں کہ اگر یہ بات درست ہے تو کون سے منکر سونے اور خزارہ ہیں کہ ان کے بچوں کا خزارہ  
کیوں نہیں بڑھا جاتا؟"

A. Yes, but I said this because non Ahmadi ulama

had given a fatwa that even the children of Ahmadis

should not be permitted to be buried in muslim grave-

yards and in fact some of the dead bodies of Ahmadi

women and children were disinterred and thrown out.

Since their fatwa still holds good, my fatwa also remains in the field. We have, however, discovered a fatwa of the founder of our community according to which it is possible that after deliberation, the previous fatwa may be amended.

- Q. Is it correct that in the "Haqq-eqat-ul-Wahi" at page 163 Mirza Ghulam Ahmad Sanib is said to have stated:

عبارتوں میں جو فیہ لکھی گئی ہیں وہ خدا اور رسول کو لکھی گئی ہیں

- A. Yes. These words have been used in their ordinary connotation.
- Q. What was your attitude in 1944 about the establishment of Pakistan? Is it correct that on 11th June 1944 you stated in the "Malfuzat":

"پاکستان اور آزادی قوم کا مطالبہ مسلمانوں کی مذہبی اور معنوی آزادی کے لیے ہے"

- A. Yes, but I said so because several leading Muslims including Maulana Maudoodi and myself were of the view that a demand for the establishment of Pakistan would make the emancipation of India more difficult. In those days Pakistan was

considered to be an impossibility and the British  
were against creating any such state.

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Q. Did you, as reported in the "Alfazi" of 5th April 1947, say the following:-

(ا) "اس لئے ہمیں کوشش کرنی چاہئے کہ ہندو مسلم سوال اٹھ جائے

اور ساری قومیں شہر و شکر ہو کر زمین تاکہ ملک کے حصے

بخرے نہ ہوں بیشک یہ کام بہت مشکل ہے مگر اس کے

نتائج بھی بہت شاندار ہیں -

(ب) ممکن ہے عارضی طور پر افتراق پیدا ہو اور کچھ وقت کے لئے

دوہوں قومیں جدا جدا زمین مگر یہ حالت عارضی ہوگی -

اور ہمیں کوشش کرنی چاہئے کہ جلد دور ہو جائے -

(ج) بہر حال ہم چاہتے ہیں کہ اکٹھے ہندوستان بنے اور

ساری قومیں باہم شہر و شکر ہو کر زمین -"

My speech is not correctly reported in the "Alfazi" of 5th April 1947. The correct report occurs in the "Alfazi" of 12th April 1947.

Q. Is there any Mulla in your Juma'at ?

A. The word "Mulla" is another word for "Maulvi" and is not a contemptuous word. Mulla Ali Qari, Mulla Shor Bazar and Mulla Baqir who are well known figures are all called Mullas and take or took pride in it.

Q. Did you give a press interview on your return from

Sind, which is reported in the "Alfazi" of 12th April

1947, and say the following in the form of a question

by the pressman and your own answer to it ?

" سوال - کیا پاکستان عمل میں ہے ؟ -

جواب - سیاسی اور اقتصادی لحاظ سے اس سوال کو دیکھا جائے تو

پاکستان ممکن ہے لیکن میرا ذاتی خیال یہ ہے کہ ملک کے حصے

بخرے کرنے کی ضرورت نہیں ہے -

A. It is correct that a correspondent put me the

question of which the above words are an extract.

What is stated here represented my personal opinion

on the question of Partition.

Q. Did you in your Majlis-i-Ilm-o-Irfan on the 14th of May

1947, after maghrib prayers, say the following which

has been reported in the "Alfazi" of the 16th May 1947:-

" میں قبل ازین بتا چکا ہوں کہ اللہ تعالیٰ کی مشیت ہندوستان

کو اکٹھا رکھنا چاہتی ہے لیکن اگر قوموں کی غیر معمولی منافرت کیوجہ سے

عارضی طور پر الگ بھی کرنا پڑے تو یہ اور بات ہے - بسا اوقات غصہ و نفرت کو

ڈاکٹر کاٹ دینے کا بھی مشورہ دیتے ہیں - لیکن یہ خوشی سے نہیں ہوتا بلکہ

مجبوری اور محذوری کے عالم میں اور صرف اسی وقت جب اسکے بغیر چارہ نہ ہو -

اور اگر پھر یہ معلوم ہو جائے کہ اس ہاؤس عضو کی جگہ نیا لگ سکتا ہے تو

کون جامل انسان اسکے لئے کوشش نہیں کریگا - اس طرح ہندوستان کی تقسیم

پر اگر ہم رضامند ہوئے ہیں تو خوشی سے نہیں بلکہ مجبوری سے اور پھر یہ کوشش

کریں گے کہ یہ کسی نہ کسی طرح جلد متحد ہو جائے -

A. No, I did not express my views exactly in these words and I have been substantially misreported. The man who reported my speech, namely, Munir Ahmad, was never my diarist. My true views on this subject were reported in the "Alfazi" of 21st May 1947, which are as follows:-

"ان حالات کے پیش نظر ان (مسلمانوں) کا حق ہے کہ مطالبہ کریں اور مردیانتدار کا فرض ہے کہ خواہ اس میں اس کا نقصان ہو مسلمانوں کے اس مطالبہ کی تائید کرے .....

پر شک ہمیں مسلمانوں کی طرف سے بھی بعض اوقات تکالیف پہنچ جاتی ہیں اور ہم تسلیم کر لیتے ہیں کہ شاید وہ ہمیں پھانسی پر چڑھا دیں گے - لیکن میں ہندوؤں سے یہ پوچھتا ہوں کہ تم لوگوں کو ہمیں کب سکھ دیا تھا تم لوگوں نے ہمیں کب آرام پہنچایا تھا اور تم لوگوں نے کب ہمارے ساتھ ہمدردی کی تھی -"

Q. Did you contradict what was published in the "Alfazi" of 16th May 1947 ?

A. What is stated there had already been impliedly contradicted in the "Alfazi" of 21st May 1947.



Q. What does the date "14th Hijrat" as it appears in "Alfazi" signify?

A. It signifies "14th May".

To Court:

Q. Why do you call the month as "Hijrat"?

A. Because history records that our Holy Prophet's hijrat occurred in May.

To Counsel contd:-

Q. Do you observe the ordinary Hijrat era or the christian calendar?

A. We have only given different names to the calendar months of the solar system with reference to various incidents in the life of the Holy Prophet.

Q. Did you claim to be declared a minority as reported in the "Alfazi" of 12th November 1946?

A. No. The facts are these. When differences arose between the Muslims and the Hindus in 1946, Government made inquiries from different communal parties, treating all the Muslims as one party. It was represented to us by some Muslim Leaguers that this was a trick played by the Britishers who had



increased the number of the non-muslim parties  
and had treated the muslims as only one party.

We then protested to Government as to why the  
Ahmadis also had not been consulted as a party.

The Government replies that we were only a  
religious and not a political party.



To Court:

Q. What does "Ahmadiyyat" in this context mean ?

A. The interpretation of Islam as given by the founder of the Ahmadiyya community.

To counsel continued:-

Q. Did you see the editorial of the "Alfazi" dated

15th July 1952 under the heading "خونی ملا کے آخری دن"

in which the following words appear:

ہاں آخری وقت آن پہنچا ہے ان تمام علما حق کے خون کا بدلہ لینے کا جن کو شروع سے یہ خونی ملا قتل کروا کر آئے تھے ان سب کے خون کا بدلہ لیا جائیگا -

( ۱ ) عطا اللہ شاہ بخاری سے ( ۲ ) ملا بدایونی سے

( ۳ ) ملا احتشام الحق سے ( ۴ ) ملا محمد شفیع سے

( ۵ ) ملا مودودی (پانچویں سوار) سے

A. Yes. A complaint about this writing was made to me

by a man from Montgomery and I asked for an explanation

from the Nazir concerned. He informed me that he had

asked the editor to contradict it.

Q. Did the contradiction come to your knowledge ?

A. No, but I have just now been shown the article "ek ghalati

ka izala" in the "Alfazi" of 7th August 1952 in which the

writing in question has been explained.

To Court:-

Q. Had the maulvis who are described as Mullas in this

editorial expressed the opinion that Ahmadis are

apostates and liable to capital punishment ?

A. I only know that Maulana Abul Ala Maudoodi had expressed that opinion.

To counsel continued:-

Q. Did you say the following in the "Tashheez-ul-Azhan" for the month of June 1919 at page 38:

" خلیفہ ہو تو جو پہلا ہو اس کی بیعت ہو - جو بعد میں دوسرا پہلے کے مقابل کھڑا ہو جائے " جیسے لاہور میں "مے تو اسے قتل کر دو - مگر یہ قتل کا حکم تب ہے - جب سلطنت اپنی ہو - اب اس حکومت میں ہم ایسا نہیں کر سکتے - "

A. No, The diarist was a novice and misinterpreted what I told him. I explained what I had actually said after the Lahore sect of Ahmadis had made a complaint to the Government and the Government had asked for an explanation from me.

Q. Is your juma'at a purely religious party or a political party as well ?

A. The juma'at is primarily a religious party but it has been gifted by Allah with brains which cannot remain idle whenever a political issue comes up before it.

Q. Did you in your Friday sermon at Quetta make the speech Ex.D.E. 324 as reported in the "Alfazl" dated 13th August 1948 ?



A. Yes.

Q. What did you mean when you said the following in this speech;

"یاد رکھو تبلیغ اسوقت تک کامیاب نہیں ہو سکتی جب تک عماری (BASE)

مضبوط نہ ہو - پہلے (BASE) مضبوط ہو تو تبلیغ پھیلتی ہے -"

A. The words speak for themselves.

Q. And what did you mean when you said that Baluchistan should be converted to Ahmadiyyat so that at least one province can be called as our own ?

A. There are two reasons for it, (1) that the grandfather of the present Nawab of Qalat was an Ahmadi and (2) that Baluchistan is a small province. ✓

Q. Did you say the following in your Friday sermon published in the "Alfazi" of 23rd October 1948,

Ex.D.E. 210:

"میں یہ جانتا ہوں کہ اب یہ صوبہ عمارے ماحمویں سے نکل نہیں سکتا - یہ

عمارا ہی شکار ہوگا - دنیا کی ساری قومیں ملکر بھی اب یہ علاقہ چھین نہیں سکتیں۔"

A. Yes, but these words should not be taken in their

literal sense. The reference here is to the future

and what I intended to say was that because an

Ahmadi army officer had been killed in that province,

that province was bound to become Ahmadi.

Q. Is Rabwah an exclusive Ahmadiyya colony?

A. The land was purchased by the Sadr Anjuman Ahmadiyya, Rabwah and it is its property. The Anjuman has the right to deal with it in any way it likes. Some non-Ahmadis made a request for the purchase of some of the land. The Anjuman said it had no objection to having good neighbours.

Q. Did any non-Ahmadi purchase the land?

A. I am told that one non-Ahmadi did so, but I have no personal knowledge of it.

Q. Where were you during the disturbances?

A. At Rabwah.

Q. Did any incidents like those in Lahore take place in Rabwah?

A. No.

Q. Have you been repeatedly saying to the members of your community that their original home is Qadian and that eventually they will go back there?

A. Every Muslim should desire to get back his homeland.

Q. Is there a Juma'at-i-Ahmadiyya in India?

A. Yes.

Q. What was the attitude of the founder of the Ahmadiyya community

towards the British Government?

A. I have already said that, according to the teachings of Islam, one has to be loyal to the Government of the country in which he lives, subject of course to the qualifications that I have already mentioned.

Q. Is it a fact that when Baghdad fell to the British there were celebrations in Qadian?

A. It is entirely wrong.

Q. Would, in an Islamic State of your conception, a non-Ahmadi be eligible to hold the post of the head of the State?

A. Yes, in a State like Pakistan, Egypt, etc.

Q. Assuming that Pakistan is not a religious State, will it, according to you, be possible for a non-Muslim to be the head of the State?

A. It is for the majority of the legislature to determine whether the head of the State should be a Muslim or non-Muslim.

Q. Have you been preaching to the members of your Juma'at that they should have a mu'ashira different from the other Muslims?

A. No.



Q. Did you advise the members of your Juma'at to take hold of public offices in Pakistan?

A. No!

Q. Is the position of Rabwah singularly strategic?

A. Yes, it would be a strategic point in the hands of the Pakistan Government.

Q. Did you state in a press conference in Rabwah, as reported in the "Alfazi" of the 9th November 1948, at page 2, as follows:

”دوبہ زمین سرحدہ صورت میں واقعی سنگی ہے۔ اور اس میں کوئی جادہ بنت نہیں ہے لیکن اللہ تعالیٰ نے فضل سے ہم ایسے ایک نہایت شاندار شہر کی صورت میں تبدیل کرنے کا ارادہ کر رکھا ہے۔ جو دماغی طاقت کے پاکستان میں محفوظ ترین مقام ہوگا۔“

A. I cannot now recollect after five years what were the exact words said by me at a press conference.

To Court:-

Q. Do you think Rabwah is a strategic place?

A. Both the railway and the motor road pass through the town of Rabwah. It could not, therefore, be regarded as a place of strategic importance as against the Pakistan Government. From the point of view of other people, however, it is of strategic importance to us, as the town could not be attacked from the side of Chiniot which is on the other side of the Chenab river,



Cross - examination by Maulana Murtaza Ahmad Khan  
Maikash, Member, Majlis-i-Amal:

Q. What is your opinion about the claim of

Musailima Ibn-ul-Habib?

A. His claim was false.

Q. Did he recite the kalima?

A. No.

Q. Was he a Musalman?

A. No.

Q. At page 124 of "Haqiqat-ul-Wahi" it is stated:

"گھر سے روئے اسے کیا کہی مرتد کے ارتداد سے یہ نتیجہ نکل سکتا ہے کہ وہ مسلمان نہیں رہا۔  
حق نہیں ہے کہ ہمارے مخالف علماء کو خبر ہوئی کہ کئی بدعت حضرت مولیٰ کے زمانے میں ان کے مرتد ہو گئے تھے  
کیونکہ ان حضرات علیہ السلام سے مرتد ہوئے اور کبھی بدعت اور دقت ہمارے ہی صلی اللہ علیہ وسلم کے  
عہد میں آپ کے مرتد ہو گئے۔ ضابطہ مسلم کتاب بھی مرتدین میں لے آئے تھے۔"

was Musailima kazzab in your opinion a murtedd?

A. Yes. When I said he was not a Musalman, I meant

that he did not remain a Musalman after he

claimed prophethood.

Q. Have you read the life histories of Aswad Anasi,

Sajah Nabiiyyah Kazibah, Tali'a Asadi?

A. Yes.

Q. Did all these persons of whom one was a woman,

lay claim to prophethood with the result that  
Musalmans declared war on them?

A. No. The position is quite the reverse. These

persons, each of whom claimed to be a prophet,  
attacked the Musalmans and the Musalmans then  
vanquished them in return.

Q. Did the following persons lay claim to prophethood  
from time to time :-

- |     |                                   |   |
|-----|-----------------------------------|---|
| (a) | <u>Haris Dimashqi</u> -           | In the time of Khalifa<br>Abdul Malik- 695- 705 A.D |
| (2) | <u>Mughira bin Saad Alajali</u> - | 724-741 A.D   |
| (3) | <u>Abu Mansur Alajali:</u>        | 724-741   |
| (4) | <u>Ishaq Alekhras Almaghribi-</u> | 750-754   |
| (5) | <u>Abu Isa Ishaq Isfahani-</u>    | 754-775   |
| (6) | <u>Ali bin Muhammad Khariji</u>   | 869   |
| (7) | Haameen-min-Allah Makhasi.        | ?   |
| (8) | <u>Mahmud Wahid Gilani.</u>       | 1586-1628   |
| (9) | <u>Mahammad Ali Bab.</u>          | 1850  |

A. Except Muhammad Ali Bab, I cannot be certain about  
the other names. Muhammad Ali Bab styled himself  
as Ashdi Mau-ud but not a prophet.

Q. You have already pointed out the difference between  
tashree'ee and shair tashree'ee nabi. Will you please

define a "zilli nabi" and a "baruzi nabi" ?

A. These terms signify that the person in respect of whom they are used does not himself possess certain attributes but that he possesses them in a reflected manner.

Q. Did Mirza Ghulam Ahmad Sahib claim to be a tashfi'ee nabi ?

A. No.

Q. Did not Mirza Ghulam Ahmad Sahib, in "Arab 'een"

No.4, at pages 83-84 say the following:-

"ماسوا اسکے یہ بتی تو سمجھو کہ شریعت کیا چیز ہے جس نے اپنی وحی کے ذریعہ سے چند امر اور نہیں بیان کئے - اور اپنی امت کے لئے ایک قانون مقرر کیا وہ ہی صاحب الشریعت ہو گیا - پس اس تعریف کی رو سے یہی ہمارے مخالف ملزم ہیں - کیونکہ میری وحی میں امر بھی ہیں اور نہیں بھی ہے - مثلاً یہ الہام قل للمؤمنین يغفوا من البصائر ويحفظوا فروجهم ذالك ازكى لهم -

۱۔ چونکہ میری تعلیم میں امر بھی ہے اور نہیں بھی اور شریعت کے ضروری احکام کی تجدید ہے - اس لئے خدا تعالیٰ نے میری تعلیم کو اور اس وحی کو جو میرے ہر موتی ہے فلك یعنی کشتی کے نام سے موسوم کیا جیسا کہ ایک الہام الہی کی یہ عبارت ہے "واضح الفلك باعيننا ورحمتنا ان الذين يبايعونك وانا يبايعون الله بيد الله فوق ايد يعم" - یعنی اس تعلیم اور تجدید کی کشتی کو ہماری آنکھوں کے سامنے اور ہماری وحی سے بنا - جو لوگ تجھ سے بیعت کرتے ہیں وہ خدا سے بیعت کرتے ہیں یہ خدا کا ہاتھ ہے جو انکے ہاتھوں پر ہے اب دیکھو خدا نے میری وحی اور تعلیم اور میری بیعت کو نوح کی کشتی قرار دیا اور تمام انسانوں کیلئے اسکو مدارجات تعمیر کیا جسکی آنکھیں ہوں دیکھنے اور جسکے کان ہوں سننے جمع منہ -



یہ براہین احمدیہ میں درج ہے اور اس میں امر بھی ہے اور نہیں بھی  
 اور اس پر تیس برس کی مدت بھی گزر گئی اور ایسا ہی اب تک  
 میری وحی میں امر بھی ہوتے ہیں اور نہیں بھی - اور اگر کہہ کہ شریعت سے  
 وہ شریعت مراد ہے جس میں نئے احکام ہیں تو یہ باطل ہے اللہ تعالیٰ  
 فرماتا ہے : ان هذا لفي الصحف الاولى صحف ابراهيم وموسىٰ يعنى قرانى  
 تعليم توريت میں بھی موجود ہے اور اگر یہ کہہ کہ شریعت وہ ہے جس میں  
 باستیفاء امر اور نہی کا ذکر ہو تو یہ بھی باطل ہے کیونکہ اگر توریت  
 یا قرآن شریف میں باستیفاء احکام شریعت کا ذکر ہوتا تو پھر اجتہاد  
 کی گنجائش نہ رہتی - غرض یہ سب خیالات فحول اور کوتاہ اندیشیان  
 میں - ہمارا ایمان ہے کہ آنحضرت صلی اللہ علیہ وسلم خاتم الانبیاء  
 ہیں - اور قرآن زبانی کتابوں کا خاتم ہے تا ہم خدا نے تعالیٰ نے  
 اپنے نفس پر یہ حرام نہیں کیا کہ تجدید کے طور پر کسی اور مامور کے ذریعہ  
 سے یہ احکام صادر کرے کہ جموع نہ بولو - جموع گواہی نہ دو -  
 زنا نہ کرو - خون نہ کرو اور ظاہر ہے ایسا بیان کرنا بیانی شریعت  
 ہے جو مسیح موعود کا بھی کام ہے پھر وہ دلیل تمہاری دلیل کیسی  
 کاغذ خورد ہو گئی کہ اگر کوئی شریعت لاوے اور فطری ہو تو وہ تیس برس  
 تک زندہ نہیں رہ سکتا -

A. Yes, but this has been explained by him in

subsequent books. (Witness read from a book.)



Q. Did Mirza Ghulam Ahmad Sahib describe as murtadd those who, after becoming Ahmadi, abjured their faith?

A. Murtadd merely means a person who turns back.

Maulana Maudoodi also has used this term.

Q. Do you include Mirza Ghulam Ahmad Sahib among the Ma'mura whose acknowledgment is necessary in order to be called a Muslim?

A. I have already answered this question. No one who does not believe in Mirza Ghulam Ahmad Sahib can be taken out of the pale of Islam.

Q. How many true nabis have appeared after our Holy Prophet?

A. I know of none. But in the sense that, according to a hadith of our Holy Prophet, even the ulama of his ummat reflect his glory, hundreds and thousands must have appeared.

Q. Do you believe this hadith to be correct?

A. Yes.

Q. Do you believe that Mirza Ghulam Ahmad Sahib had a higher status than the other ambiya, excluding our Holy Prophet?

A. We prefer him only to Hazrat Masih Nasiri. ✓

Sd/- M. Munir

President.

Sd/- M.R. Kayani..

14th January 1954..

Member

Proceedings adjourned to tomorrow.

Sd/- M. Munir

President

Sd/- M.R. Kayani

14th January 1954..

Member..

15th January 1954.

85th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President,

Hon'ble Mr. Justice M.R. Kayani, Member.

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Mr. Fazal Ilahi, Advocate, assisted by Mr. Ijaz Ali,  
for the Punjab Government.

Mr. Bashir Ahmad, Advocate, assisted by messrs.  
Asadullah Khan, Ghulam Murtaza and Abdur  
Rahman Khadim, Advocates, for the Sardar Anjuman  
Ahmadiyya Rabwah.

Mr. Yaqub Ali Khan, Advocate, for Mian Muntaz Muhammad  
Khan Jaultana.

Mr. Nazir Ahmad Khan, Advocate, for the Jama'at-i-Islami.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Mr. Fateh Muhammad Aziz for Ahmadiyya Anjuman-i-Isha'at  
Islam.

Maulana Murtaza Ahmad Khan Maikesh, Member, Majlis-i-Amal,  
in person.

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Witness No.135 ( Called by Majlis-i-Amal, continued):-

Mirza Bashiruddin Mahmud Ahmad, Head of the Ahmadiyya Community  
at Rabwah, on solemn affirmation, continued:-

To Maulana Murtaza Ahmad Khan Maikash, on behalf of Majlis-i-Amal :-

Q. It is the unanimous belief of the muslims that before the Day of resurrection Isa Ibn-i- Maryam (Jesus of Nazareth) will reappear.

What is your belief on this point?

A. You are wrong in asserting that it is the unanimous belief of the muslims. There is a section among them who believe that Jesus of Nazareth died a normal physical death. Our belief is that Isa abn-i- Maryam will not reappear, but that another man answering to his description and possessing his attributes will appear.

To Court:-

Q. Were the jews in the time of Jesus of Nazareth waiting for a Messiah?

A. Yes, they were waiting for a Messiah, but he was to be preceded by Elias who was to descend from Heaven in his physical form.

Q. Was that Messiah the same as the Jesus of Nazareth?

A. Yes, according to our belief, but not according to the belief of the jews.

Q. Had Jesus of Nazareth ever claimed to be the promised Messiah?

A. Yes.

Q. The jews presented the idea of a trading GOD whom they held in monopoly in view of the promise made by GOD to Abraham



to restore to them the land of Canaan. Paul's Christians claim a first mortgage on God, the consideration for the mortgage being the crucifixion of Jesus of Nazareth at the Golgotha Hill. Maulana Murtaza Ahmad Khan Maikash and the learned divines with him claim that the first mortgage on God is theirs, the consideration for the mortgage being the surrender of intellect. Do you also claim any special or separate mortgage on God for the belief in Mirza Ghulam Ahmad Sahib's nubuwwat ?

A. We admit none of the mortgages; nor do we claim any.

To Maulana Maikash (continued):-

Q. You said yesterday that Mirza Ghulam Ahmad Sahib preferred himself only to Isa Ibn-i-Maryam, but the "Alfazi" of 4th and 6th April 1915, Ex.D.E.325, purports to reproduce the following passage from Mirza Sahib's diary, dated 17th April 1902 :-

”کمالات متفرقہ جو تمام دیگر انبیاء میں پائے جاتے تھے وہ سب حضرت  
رسول کریم میں ان سے بڑھ کر موجود تھے۔ اور اب وہ سارے کمالات حضرت  
رسول کریم سے ظنی طور پر ہم کو عطا کئے گئے اور اسی لئے ہمارا نام آدم -  
ابراہیم - موسیٰ - نوح - داؤد - یوسف - سلیمان - یحییٰ - عیسیٰ وغیرہ  
ہے۔ چنانچہ ابراہیم ہمارا نام اس واسطے ہے کہ حضرت ابراہیم ایسے مقام میں  
پیدا ہوئے تھے کہ وہ بت خانہ تھا اور لوگ بت پرست تھے۔ اور اب بھی لوگوں کا  
یہی حال ہے۔“

Does this not show that Mirza Sahib claimed to be better than all the prophets named in this passage ?

A. Mirza Sahib kept no regular diary in those days and

this passage merely purports to be a report by a certain reporter. But assuming that this is a correct report, it does not show that Mirza Sahib preferred himself to other prophets. It merely purports to reproduce the attributes which Mirza Sahib claimed to possess in common with other prophets.

Q. The general body of Muslims do not say funeral prayers

for Ahmadis because the former consider the latter to be kafirs. What is your reason for not saying funeral prayers for non-Ahmadis, apart from the reason which you have already given, namely, that you have acted in a retaliatory manner ?

A. The main reason is that which I have already given, namely

that we do not say funeral prayers for non-Ahmadis because they do not say funeral prayers for Ahmadis. The proof of this assertion lies in the fact that for ten years after his claim Mirza Ghulam Ahmad Sahib not only allowed the Ahmadis to say prayers for non-Ahmadis, but he himself joined such prayers. The second reason, which is really a part of the first, is that, according to a unanimously

accepted hadith, a person who declares another to be a kafir himself becomes a kafir.

Q. Does your previous answer also apply to the refusal to say prayers after non-Ahmadi imams ?

A. Yes.

Q. Please look at page 45 of "Alqaul-ul-fasl", which contains the following passage :-

"اس کے بعد خدا تعالیٰ کا حکم آیا جس کے بعد نماز غیرین کے پیچھے حرام کی گئی اور اب صرف منع نہ تھی بلکہ حرام تھی اور حقیقی حرمت صرف خدا تعالیٰ کی طرف سے ہوئی ہے۔"

Does not this passage give a different reason for your injunction that Ahmadis should not say prayers behind non-Ahmadi imams ?

A. This only means that the reason for which the Ahmadis were forbidden to say prayers behind a non-Ahmadi imam was subsequently confirmed by wahi.

Q. You have given a different reason at page 90 of

Anwar-i-Khilafat where the following passage occurs:-

"ہمارا یہ فرض ہے کہ ہم غیر احمدیوں کو مسلمان نہ سمجھیں اور ان کے پیچھے نماز نہ پڑھیں کیونکہ ہمارے نزدیک وہ خدا تعالیٰ کے ایک نبی کے منکر ہیں۔ یہ دین کا معاملہ ہے اس میں کسی کا اپنا اختیار نہیں۔"

A. I have already said that there is a type of kufir

which does exclude a person from the millat. Our

Holy Prophet said that we should make our imam a



person who is more pious than other people.

Disbelief in a nabi weakens a person's piety.

Q. You have said that "kufr" and "islam" are relative terms. Is it not correct that the words kufr, kafir, kafirun, kafireen, kuffar, alkafarat, have been used in the Qur'an only in one sense, namely, indicating persons who are outside the ummat and the pale of Islam ?

A. I have already stated that the word has not been used in the Qur'an in one sense only. Yesterday I gave an instance of it from the Qur'an itself.

Q. Please look at page 22 of "Zikr-i-Ilahi", which contains the following passage:-

"میرا تو یہ عقیدہ ہے کہ دنیا میں دو گروہ ہیں ایک مومن دوسرے کافر۔  
اس لئے جو حضرت مسیح موعود پر ایمان لاتے والے ہیں وہ مومن ہیں اور جو ایمان  
نہیں لاتے خواہ ان کے ایمان نہ لگنے کی کوئی وجہ ہو وہ کافر ہیں۔"

Is not the word "kafir" used here in contradiction

to the word "momin" ?

A. In this context the word "momin" means one who believes and the word "kafir" means one who does not believe in Mirza Ghulam Ahmad Sahib. ✓

To Court:-

Q. Is belief in Mirza Ghulam Ahmad Sahib, therefore, a part of iman ?



A. No. The word "momin" here has been used merely to convey the sense of belief in Mirza Ghulam Ahmad Sahib, not of belief in the fundamentals of Islam.

Q. If the word "kufr" is likely to give rise to misunderstanding and bitterness, would it not be better either to give up using it altogether or to use it with great caution ?

A. We have been trying to avoid its use after 1922. ✓

To Maulana Murtaza Ahmad Khan Maikash, contd.-

Q. Have you ever used the word "ummat" in respect of your juma'at ?

A. I believe that Ahmadis are not a separate ummat, but if the word "ummat" has been used in respect of them, it must be by inadvertence and indicating merely a juma'at.

Q. Please look at the "Alfazi" dated 13th August 1948, where the following passage occurs:-

"اللہ تعالیٰ نے جو کام ہمارے سپرد کیا وہ کسی اور امت کے سپرد نہیں کیا پہلے انبیاء میں سے کوئی نبی ایک لڑکھ کی طرف آیا کوئی نبی دو لڑکھ کی طرف آیا اور کوئی دس لڑکھ کی طرف آیا - رسول کریم صلی اللہ علیہ وسلم کی قوم سوا لڑکھ سے یا ہو سکتا ہے عرب کی آبادی آپ کے زمانہ میں دو تین لڑکھ ہو - پس یہی آپ کے پہلے مخاطب تھے - لیکن ہمارے چہیتے میں چالیس کروڑ مخاطب ہیں ۔"

In what sense have you used the word "ummat" ?

A. Here I have used the word "ummat" to denote the ummat of the Holy Prophet.

Q. Are you not under an obligation to the British because in their reign your peculiar beliefs prospered and can you fail to continue to be grateful to them ?

A. Gratitude is a moral obligation and has nothing to do with politics. It is true that we are beholden to them for the justice that they have done to everybody including ourselves.

Q. Did Mirza Ghulam Ahmad Sahib, with a view to obliging the British, write literature against jehad bis-saif for dissemination in Muslim countries, so voluminous that it could occupy about fifty almirahs ?

A. What he wrote was with a view to removing a misunderstanding which other religions had against the Muslims. It embraces several subjects in respect of which misapprehensions existed, and incidentally it covered the subject of jehad also. To jehad itself he devoted a pamphlet of only a few pages.

Q. Has not Mirza Ghulam Ahmad Sahib in the following couplet claimed preference to our Holy Prophet:

لہ خیمۃ القمر الخیر وآن لی غمۃ القمران المشرقان اثنکر

(For the Holy Prophet, he said, only one moon was eclipsed whereas for my sake both the sun and the moon were eclipsed.)

A. This is merely a reference to the hadis that at the time of the appearance of Mehdi there will be an eclipse both of the sun and the moon in the month of Ramzan.

Q. Did you ever describe the general body of Muslims as Abu Jehl and your own community as an "agaliyyat" ?

A. It is not correct that I regard the general body of Muslims to belong to the party of Abu Jehl but it is correct that our community is small in number.

To Court:-

Q. How many key posts in Pakistan do Ahmadis hold ?

A. I do not think anyone beyond Chaudhri Muhammad Zafarullah Khan holds any post which may be called a key post.

Q. What is the number of Ahmadi officers in the following services:

- 1) the Air Force,
- 2) the Navy, and
- 3) the Army ?



A. One and a half or two per cent in the Army, about five percent in the Air Force and 1 per cent in the Navy.

Q. Is Mr. Lal Shah Bokhari an Ahmadi ?

A. No.

Q. Is General Haya-ud-Din an Ahmadi ?

A. He used to be an Ahmadi but I am not sure whether he is one now.

Q. Is Mr. Ghulam Ahmad, Principal, Government College, Rawalpindi, an Ahmadi ?

A. No.

Q. Was the Indonesian Ambassador in Pakistan who preceded the present Ambassador an Ahmadi ?

A. He was definitely not of the Qadian Branch of the Ahmadiis but I cannot say whether he belonged to the Lahore Branch. In 1953, however, the Ambassador was definitely not an Ahmadi.

To Maulana Maikash continued:-

Q. Did you say in your khutba what is reported in the "Alfazi" of 3rd January 1952, Ex.D.E. 326 ?

A. The report substantially represents the sense of what I said though I cannot be sure of the words reported. I said all this in reply to the editorial in the "Afaq" dated 6th December 1951.



Q. In this report there is a reference to yourself or to some successor of your being the future conqueror of Pakistan ?

A. You are misreading the report. There is nothing of that kind in it.

(NOTE:- Despite our assurance that anything said by Mirza Ghulam Ahmad Sahib or by the witness or anything published in any one of the Ahmadiyya publications would be treated by the Court as independent evidence, almost all the questions which have so far been put relate to such writings. It is a sheer waste of time and we are not prepared to allow further questions on this subject.)

To Mr. Nazir Ahmad Khan (By permission of the Court):-

Q. A statement of yours was published in the "Civil & Military Gazette", dated 23rd February 1953. Did Kh. Nazir Ahmad, Advocate, see you shortly before or after that publication.

A. Yes, he did see me one or two days before this publication.

Q. Did Kh. Nazir Ahmad see you again some time in March, 1953?

A. Yes, he did see me a second time but I do not know the date. This must have been about a month or two after his first visit.

Q. Did he communicate to you any message from Khawaja

Nazim-ud-Din, the Prime Minister ?

A. No, he did not refer to Khawaja Nazim-ud-Din.

He merely said that he had a talk with some important personages at Karachi. My own impression is that he had met the Governor-General.

Q. Did he mention Maulana Maudoodi ?

A. No.

R.C. & A.C.

Sd/- M. Munir,  
PRESIDENT,

15th January 1954.

Sd/- M. R. Kayani,  
MEMBER,

Witness No:136 (Called by Court)

Abdul Hafeez s/o Maula Bakhsh, Typist, 66,  
Chamberlain Road, Lahore, on S.A.-

To Court:

Q. Is the letter, Ex.D.E.327, addressed to this  
Court of Inquiry written by you ?

A. Yes.

Q. Are you Dajjal ?

A. No sir, I am his wazir.

Q. Where is Dajjal ?

A. I think there is a hadith about Dajjal that  
he has been in existence since the advent of  
this world.

Q. But where is he ?

A. He is in existence and shall appear at the time  
fixed for his appearance by eternity.

Q. Where is he now ?

A. He does not meet me personally but he reveals  
things to me. He guides me in every matter.

Q. Are you Ad-Dajjal ma'mur min mu'allim ?

A. No. It is my master who is the ma'mur min  
mu'allim.

Q. Do you receive any revelation ?

A. Yes.

Q. Through whom ?

A. Through Dajjal.

Q. You have said in your letter that we should call

you if we are anxious to get ourselves enlightened

on the terms Islam, Muslim, Kalimago, Ahmadiyyat,

Islamic Government and its possibilities, etc., and

the true state of affairs and trend of events

connected with the disturbances (including everything

in the present world) and their cause with documentary

proofs. Can you enlighten the Court of Inquiry on

these subjects ?

A. Yes, provided I am called on a Wednesday or Thursday.

Q. Is there anything peculiar about Wednesday or Thursday?

A. Yes. I am guided on those days by my mu'allim, namely,

Dajjal.

Q. Were you not guided yesterday ?

A. Dajjal revealed himself to me yesterday, but he

mentioned other things, not the subject into which

the Court is inquiring.

Q. Did he before this day make any revelation to you



About the disturbances ?

A. Yes, He said that I should apply to the Court of Inquiry under his guidance and get either a Wednesday or a Thursday fixed for the communication of his revelation and for guidance in Court.

Q. Are you not being guided by Dajjal now ?

A. No.

Q. Therefore, you cannot say anything about the disturbances today ?

A. No.

Q. What kind of shape Dajjal has ?

A. I cannot give his shape.

Q. Is he like a donkey ?

A. No. He is a figure in the air. It is I who am the donkey and I can prove it. ✓

Q. How can you prove that you are a donkey ?

A. I am a donkey only mentally. I am that incapable person in Pakistan who was not considered fit even to sell tickets at the zoo as a gate receipt clerk. ✓

Q. Can you recognise Dajjal in any of the persons

present in Court ?

A. No. He is not here. I first met him in Lydda  
eight years ago.

Q. Dajjal's appearance is connected with qiyamat.

When will qiyamat come ?

A. That is not known even to Dajjal, but it is true  
that Dajjal will appear before qiyamat.

Q. Will he be present in maidan-i-qiyamat ?

A. No. Mehdi will appear in the time of Dajjal and  
then will appear Messiah, who will kill Dajjal.

Q. Why do you belong to a party which will be defeated  
by Messiah ?

A. Because I am duty bound. We are in the opposition.

Q. What is your duty ?

A. I can tell you next time if I appear on Wednesday  
or Thursday.

Q. Why can't you disclose anything on any other day ?

A. I am subordinate to him and this is a matter of  
discipline.

Q. You say you are a deputy to Dajjal. Does he have  
any other deputies ?

A. He had some, but they laid claim to prophethood and were automatically dismissed. Dajjal is very strict in his discipline.

Q. Why is it necessary for Dajjal to keep a wazir ?

A. To communicate to Court the feelings of ignorant and illiterate masses.

Q. What do you do for your living ?

A. In this respect I am like 90 per cent of people in Pakistan. I can be challaned at any time by the police under section 109, for lacking means of livelihood.

Q. Have you been to the Mental Hospital ?

A. No.

Q. Do you have any friends ?

A. Yes. I have many friends.

Q. Are they all donkeys like yourself ?

A. I cannot say anything about others: I can speak only for myself.

Q. Will you permit yourself to be cross-examined by Maulana Maikash ?

A. How can a Maulana be a Maikash.

Sd/- M. Munir.

President.

Sd/- M. R. Kayani.

Member.

15th January 1954.

Proceedings adjourned to tomorrow.

Sd/- M. Munir.

President.

15th Janury 1954.

Sd/- M. R. Kayani.

Member.



16th January 1954.86th Sitting.

Present

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President.

Hon'ble Mr. Justice M.R. Kayani,

Member.

Mr. Fazal Ilahi, Advocate, for the Punjab  
Government, assisted by Mr. Ijaz Ali.

Mr. Yaqub Ali Khan, Advocate, for Mr. Daultana,

Mr. Nazir Ahmad Khan, Advocate, for Juma'at-i-Islami.

Mr. Bashir Ahmad and Mr. Asadullah Khan, Advocates,  
for Sadr Anjuman Ahmadiyya, Rabwah.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya  
Anjuman-i-Isha'at-i-Islam.

Maulana Murtaza Ahmad Khan Maikash, Member,  
Majlis-i-Amal.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Faiyaz Ali, Advocate-General, Pakistan

Witness No: 137 (Called by the Juma'at-i-Islami):

(IN CAMERA) The Honourable Chaudhri Muhammad Zafarullah Khan, Minister  
for Foreign Affairs and Commonwealth Relations, Government  
of Pakistan, on solemn affirmation:-

To Mr. Nazir Ahmad Khan, on behalf of Juma'at-i-Islami:-

Q. Did you ever bring to the notice of the Pakistan Cabinet.

the question as to how your community was being treated in Pakistan, and if so, when ?

A. While the agitation was going on, I might have mentioned some aspects of the question in the Cabinet, but i never asked the cabinet to discuss it as a specific subject,

Q. Did you ever bring it to the notice of the late Liaquat Ali Khan in any Cabinet meeting that you had certain complaints about the manner in which your community was being treated ?

A. I have no specific recollection.

Q. Khawaja Nazim-ud-Din has said that it was in the time of the late Quaid-i-Millat that you brought it to the notice of the Cabinet that three Ahmadis had been murdered. Is that so ?

A. My recollection is that in some connection or the other I had mentioned the matter to the present Governor-General who was then Finance Minister. I believe we were at that time abroad. On his return he mentioned the matter to the then Prime Minister and an inquiry might have been made in pursuance of that.

Q. To your knowledge, was there a discussion about the agitation by the Pakistan Cabinet on or about the 7th

or 8th of August 1952 ?

A. There could be no regular Cabinet meeting if I was in Karachi and was not given notice thereof, but I believe on some occasions the Prime Minister, Khwaja Nazim-ud-Din Sahib, called some of his colleagues for consultation in respect of the agitation. On those occasions I was not called.

Q. Can you give any reason why you were not called ?

A. It is open to the Prime Minister to call any of his colleagues for a discussion.

Q. Did you then, after this meeting in which you were not called, preside over a Cabinet meeting on or about the same date, that is, about the 7th or 8th August ?

A. Whenever I happen to be in Karachi and the Prime Minister is not able to preside I presided over the Cabinet meetings.

Q. When Khwaja Nazim-ud-Din was ill, did you preside over a Cabinet meeting in which certain decisions had been taken by a conference of the type you have referred.

A. It may have happened.

Q. Can you please recollect as to what was the subject-matter under discussion before this Cabinet meeting ?

A. All, that I remember, I could not be specific about it



is that a declaration or an announcement on behalf of Government was put before the Cabinet. Khwaja Nazim-ud-Din Sahib was indisposed that morning. His Secretary or the Cabinet Secretary came to me and told me that they had called a meeting and that Khwaja Sahib would not be able to preside. About the subject-matter he said that it was a declaration that Government servants were not to use their influence or position for religious propaganda, but I do not know who had drafted it.

Q. Did you issue a statement in respect of the Government communique of the 14th August 1952 ?

A. Yes, the statement in Annexure I-A to the Home Secretary's written statement has been seen by me. It represents the correct version.

Q. Has this statement anything to do with your speech which you delivered in the Jehangir Park on the 18th of May 1952?

A. No.

Q. Did you have any talk with Khwaja Nazim-ud-Din before you delivered this speech in the Jehangir Park ?

A. Khwaja Sahib mentioned to me that several people had objected to my taking part in the meeting.



Q. Did he say anything about your intended speech ?

A. He suggested that it would be better if I did not address the meeting.

Q. What did you say ?

A. I said it was embarrassing for me at that stage as my name had already been announced as a speaker, but that if I had not been in that position I would have gladly complied with his suggestion and would not have gone.

To Court:-

Q. Was this a public meeting ?

A. Yes.

To counsel (continued):-

Q. Was this the first public meeting which your community held ?

A. No. There had been several meetings at Rabwah and other places.

Q. Does the "Alfazi", dated the 31st May 1952, correctly report your speech which you delivered on the 18th May ?

A. Yes, substantially. The headings are not mine.

Q. Did you during your discussion with Khwaja Nazim-ud-Din tell him that you considered him a kafir from the religious point of view ?

A. I do not think our conversation ever took the turn of discussing this specific question but I may have generally explained to him the doctrinal difference on that point.

Q. Khwaja Nazim-ud-Din has stated in his evidence in Court as follows:-

"I definitely remember that in the course of a discussion with him, Chaudhri Muhammad Zafarullah Khan had mentioned it to me that according to his aqida I was a kafir but that, for political, social and other purposes I could be treated by him as a Musalman."

Did you say this ?

A. He may have himself concluded that from the explanation of the doctrinal position.

To Court:-

Q. It is alleged that in a conversation with Maulvi Muhammad Ishaq, khatib of a mosque in Abbotabad, in August 1949 you expressed the view that you may be considered as a Muslim servant of a kafir

Government or a kafir servant of a Muslim Government.

Is that correct ?

A. I doubt it very much.

To counsel continued:-

Q. Did you tell some Lahore lawyer who met you some time

back in Karachi in connection with the location of

the Federal Court in Lahore, that the Court may be

located in Delhi in future ?

A. No. I distinctly remember that the suggestion they put

forward was that the Act might be amended so as to

make Lahore the seat of the Federal Court. I said that

it would not be a wise move because if any question

of the amendment of the Act was taken up, it might be

suggested that Dacca should become the seat of the

Court, and as East Pakistan had a majority of votes

in the Constituent Assembly, the suggestion might be

carried. No question could arise whatsoever of the

Court sitting in Delhi as it was utterly irrelevant.

Q. Did Khwaja Nazir Ahmad meet you in March 1953 ?

A. He might have.

Q. Was there any talk between you two as to any

clarification of the position of the head of the

community with regard to the three demands ?



A. He mentioned to me that he had either met or intended to meet the head of the community with regard to some clarifications. He suggested some clarifications and asked for my opinion. I told him that I could not express any opinion and that he should discuss the matter with the head of the community.

Q. What is your position with regard to the community ?

Why did Khwaja Nazir Ahmad come to see you ?

A. I am an ordinary member and hold no special position in the community. I do not know why Khwaja Nazir Ahmad came to consult me on this matter.

Q. Did he suggest that if the head of the community does not call the general body of Muslims kafirs in future, there may be a basis for further discussion ?

A. My recollection is that he said that he and a colleague of his had already been to Rabwah and seen the head of the community and that the latter had made a statement on that subject. I do not think he made this suggestion to me.



He thought that the statement which the head of the community had made cleared the position on that aspect.

Q. Did you say something ?

A. No.

Q. Could you tell us as to what part of the March was this ?

A. I cannot say whether it was March or April but it was about that time.

Q. Did Mr. Daultana have an interview with you in October 1952 ?

A. On most occasions, whenever he went down to Karachi, he came to see me.

Q. Did he in this particular meeting discuss the three demands or the agitation with regard to these demands with you ?

A. I do not think we ever discussed the substance or the merits of the demands. I do not recall his having made any particular suggestion to me either with regard to the demands or the agitation, though he may have mentioned the agitation generally.

Q. It is suggested that you have taken very active interest in the matters relating to this inquiry by visiting Lahore very frequently and advising members of your

community what attitude to adopt. Is it correct ?

A. I have been out of the country altogether during the greater part of the Inquiry. My visits to Lahore before I went abroad had no connection with what attitude the community should or should not adopt towards the Court of Inquiry, or for the purpose of giving advice to the members of my community.

Q. Do you generally agree with the views of the head of your community regarding religious topics ?

A. Yes, on strict matters of doctrine.

Q. What is the position of the head of the community ?  
Is whatever he says on matters of doctrine law unto the members ?

A. If a person does not agree with regard to that doctrine, he would declare that he is not a member of the community that accepts him as the head.

Q. Is it a fact that you did not join the janaza prayers of the Quaid-i-Azam ?

A. I did not join the actual prayers though I accompanied the funeral procession. It should be remembered that the janaza prayers were led by the late Maulana Shabbir Ahmad Usmani according to whom I was a kafir and a murtadd and should be put to death.

Q. Were you in any manner instrumental or assisting the community in obtaining the land on which Rabwah is now situate ?

A. I do not think I had any occasion to take any part in the actual negotiations for the acquisition of the land. After the land had been acquired, some difficulties of a technical kind arose and I remember I spoke to Mr. Daultana as well as to Mr. Dasti about them.



Q. Were you a member of the Muslim League before partition ?

A. I was a member of the Muslim League before I became a Judge of the Federal Court in 1941. From 1935 to 1941, however while I was a Minister of the Central Cabinet, I took no active part in the League's deliberations.

Q. Did you renounce your title in obedience to the League's mandate in 1946 ?

A. I am not aware of any such mandate, but I have not used my title since I have assumed after Partition.

Q. There is a complaint that you have been preferring the members of your community in Government offices, whether in your own Ministry or any other departments. Is there any truth in it ?

A. With regard to my own Ministry, the position is this. I make no appointments myself to the Foreign Service. All appointments to the Foreign Service are made on the recommendation of the Public Service Commission. There are, to my knowledge, four members of the Ahmadiyya community in the Foreign Service, out of a total of



about eighty to a hundred. One of them was already in the Ministry, and I believe had come on option from India. He is a pre-Partition government servant. He was in the Ministry before I became the Foreign Minister. One of them had been selected as the result of a competitive examination held before Partition.

Two of them have been selected subsequently through the Public Service Commission, but both were Government servants when they were selected. Out of these three who have been recruited since Partition, with regard to two I did not even know that they were Ahmadis till after they had joined the service.

Of the only two posts with regard to which I have authority to make appointments myself, namely, my Private Secretary and my Personal Assistant, not one has at any time been occupied by an Ahmadi. I have no concern with recruitment to the ministerial posts in the Ministry or abroad. To my knowledge, so far as I am aware, there are in our Missions abroad only three Ahmadis in ministerial posts. I have had no concern or connection with the recruitment of any of them. Two of them were in

Government service in ministerial posts before Partition. The third, I believe, was recruited abroad altogether. In his case, I did not know till quite some time after he joined Government service, that he was an Ahmadi.

So far as recruitment to officers grades in the Government services of all other Ministries is concerned, I believe this also takes place through the Public Service Commission. I have on no occasion, directly or indirectly, tried to influence the recruitment of any person, whether an Ahmadi or a non-Ahmadi, with any member of the Public Service Commission. To my knowledge, neither the Chairman nor any member of the Public Service Commission at the Centre or in the Provinces, before Partition or after Partition, has been an Ahmadi.

Q. Are Chaudhri Bashir Ahmad, Deputy Director-General in the Ministry of Industries, and Sheikh Ijaz Ahmad, Joint Secretary Food, your friends and Ahmadis ?

A. Yes, They are my friends and Ahmadis. Sheikh Ijaz Ahmad has now retired.

Q. Did you first get them recruited into the service of Government ?

A. No.

(Counsel, after being apprised of his responsibility, puts the following question on instructions received from Mr. Said Malik.)

Q. Is it a fact that Mirza Nasir Ahmad son and Mirza Sharif Ahmad brother of Mirza Bashiruddin Mahmud Ahmad, the present head of the Ahmadiyya community, were convicted by the Martial Law tribunal during the disturbances ?

A. Yes.

Q. Were they released soon after the lifting of the Martial Law regime ?

A. I do not know whether they were released before or after the lifting of the Martial Law regime.

Q. My instructions are that you interested yourself in the matter of their release by interceding with the authorities including the Governor-General, the Prime Minister and Col. Iskandar Mirza, the Defence Secretary, and obtained their release ?

A. The release was on their petition and was the act, I believe, of the Governor-General, but other official machinery might have come into operation,



though not to my knowledge. But, so far as the case is concerned, the matter was openly mentioned in the conference of Governors, Ministers, Chief Ministers, and the Cabinet, in which the Governor-General was present, as a scandal and one of the very high dignitaries present himself described the conviction of these two persons as a brutal instance. It was common knowledge and had been openly canvassed generally. One of the confidential reports circulated to all members of the Cabinet itself said that opinion had been shocked over these convictions.

TO COURT:

Q. What were these men convicted for and what were the allegations against them?

A. So far as I am aware, the cases were as follows:

In the case of Mirza Nasir Ahmad, he had, in compliance with one of the Martial Law Regulations, declared all his firearms and obtained a regular permit in respect thereof. Quite some time after, a search was carried out of his house and from his wife's trunk was discovered a jewelled dagger, which was a family heirloom, her father having been one of the Khans of Malerkotla and a close relation of the Nawab of Malerkotla. He was the elder brother of the late



Nawab Sir Zulfiqar Ali Khan. The dagger was a present by the father to the daughter on the occasion of her wedding. On account of his wife having in her trunk, among her jewellery, this dagger, Mirza Nasir Ahmad, M.A., (Oxon), Principal of the Ta'leem-ul-Islam College, was sentenced to five years' rigorous imprisonment and Rs 10,000/- fine. In the other case of Mirza Sharif Ahmad, with a similar background, that is to say, some time after he had declared his firearms and obtained a permit for them, search of his house was carried out. He was the Managing Director of the Precision Manufacturing Company. The Company had a regular licence for all that it manufactured. A room in the house was also the registered office of this Company. In the previous year, the Company had been asked to submit a sample of a bayonet to the military authorities. This they had done. The sample submitted was returned with a report that, in certain particulars, it did not comply with the specifications which had been laid down. This report, pointing out the defects in the sample submitted, was attached to the sample.

In that condition this sample was discovered from one of the almirahs in the room which was the registered office of this Company. For the presence of this sample in that room, Mirza Sharif Ahmad was sentenced to one year's rigorous imprisonment and Rs 10,000/- fine.

To Counsel, contd.-

Q. Where from did you get all these details ?

A. I got them partly from the official reports and partly from my inquiries, being a person interested in these gentlemen, as to what had happened.

Q. Do you know that Maulana Maudoodi was sentenced to death for an offence under section 153-A, read with some Martial Law Regulation, although this offence is normally punishable with the maximum penalty of two years' rigorous imprisonment ?

A. I do not know the technical particulars, but I know he was also convicted.

Q. Do you know General Haya-ud-Din ? Is he an Ahmadi ?

A. Yes. He used to be an Ahmadi at one time, but I have not met him for some time and do not know where he is an Ahmadi now.

Q. Is it correct that Mian Ziauddin is an Ahmadi ?

A. He was at no time an Ahmadi. Apart from the Foreign Service officers, nobody who is holding a diplomatic appointment on Behalf of the Government of Pakistan, as Ambassador or Minister, is an Ahmadi, nor has any Ahmadi at any time held any such post.

To Mr. Mazhar Ali Azhar, on behalf of Majlis-i-Ahrari

Q. Did you make the speech, Ex.D.E.119, on the 8th of August 1952, in the Ahmadiyya Hall at Karachi ?

A. I have on several occasions delivered the Friday sermon and sometimes even otherwise addressed meetings of the community. This report could not possibly be a correct representation of anything I may have said because it describes one or two incidents quite inaccurately which had been published by me as long ago as 1939. So far as my attitude with regard to my office is concerned, I do regard my holding of it as a great honour bestowed upon me through the sheer grace of God and not on account of any merit of my own. I regard it as a trust and responsibility which



I must not, by my own volition, lightly throw away. On the other hand, it is perfectly clear that the Prime Minister can at any time call upon any of his colleagues to give up his office. Throughout this agitation I had made it perfectly clear to the then Prime Minister that I was ready to go at a moment's notice if he considered that I was a liability, or, for any other reason, ought to resign and leave the Government. To the extent to which this report reflects that view, it is a correct representation of my position.

Q. You say in this speech that a friend had asked you to leave these ungrateful people and come abroad. Is that correct ?

A. Several people had, during the course of this agitation, suggested to me, both in letters and orally, that I should resign my office. Naturally, once I resign my office I would leave the Government. Beyond this I do not understand the reference to "come away". I have received no such suggestion from abroad.



Q. Did you say in a khutba that you would resign if the Pakistan Government did not take severe action against the opponents of Ahmadis ?

A. I never said that. In any case, it contradicts both the heading and the earlier part of the news published in the "Zamindar".

Q. Did anybody bring this report to your notice ?

A. No.

To Maulana Murtaza Ahmad Khan Maikash, on behalf of  
Majlis-i-Amal:-

Q. In 1947 when you went to Geneva to attend a meeting of the U.N.O., it is stated that the Arab delegates asked you to prolong your stay by a few days. What was your answer to them ?

A. The technical answer to this question is that there was no meeting of the Assembly of U.N.O. in Geneva in 1947. The meetings were held outside New York, at Lake Success and Flushing Meadows.

The incident referred to in the question arose as follows. The Palestine question, which came up for discussion during that session, had been fully discussed and debated. It had even been voted upon

in Committee. I had myself been Chairman of one of the sub-committees appointed to consider this question. Towards the close of the session, some of the representatives of the Arab States, learning of my intention to return a few days before the end of the session, requested me to stay on till the end of the session. I was then constitutional adviser to His Highness the Nawab of Bhopal. I was holding no office under the Pakistan Government. The greater part, in fact almost the whole, of the work of the session had been concluded. Two delegates on the Pakistan Delegation had already been permitted by me to leave. Even if I had left at that stage, there were two or three other delegates on our delegation who could have adequately looked after such formal proceedings as had yet to take place. In the meantime, while I had been away in connection with the session of the Assembly, there had been serious disturbances in East Punjab during which all sorts of horrors were practised against the Muslims. Qadian, which had been my own home also for

several years, had suffered along with the rest of those areas. My own house had been looted. During my absence, my only sister had died. My brother, next younger to me, was found suffering from galloping T.B. All these considerations necessitated my early return. Ever since taking up my duties with His Highness the Nawab of Bhopal I had spent the greater part of my time in serving the cause and interests of Pakistan, first in connection with the Boundary Commission and then in connection with the United Nations Assembly. I had spent very little time at Bhopal. When the Arab delegates approached me, I explained the position to them both with regard to His Highness the Nawab of Bhopal and also with regard to the situation at Qadian and my own home. They suggested they would approach His Highness and the head of the Ahmadiyya Movement asking them to urge me to stay on. They enquired whether in case these two were willing to let me stay on I would be prepared to extend my stay. I said I would reconcile myself to the position. They then sent telegrams to His Highness



and the head of the Ahmadiyya Movement, both of whom suggested that I should stay on till the end of the session, which I did. On my return, I found my brother at death's door. All I was able to do was to press his hands in farewell. The point of the question, I understand, is that I did not refer the Arab Delegates to the Pakistan Government and mentioned only His Highness the Nawab of Bhopal and the head of the Ahmadiyya Movement. I was then, as I have said, resident in Bhopal. My official duty, such as it was, lay there. My domestic interests were all at Qadian. They had suffered serious damage and were in further jeopardy. The only responsibility I owed to the Pakistan Government at that time was to see that the functions of the delegation were properly discharged. They had been completely discharged by that time, except for a few formalities. My position on the delegation in my absence could be appropriately and adequately taken by the Pakistan Ambassador to Washington who was No: 2 Delegate on the delegation. In fact, during



my few days prolonged stay in New York nothing transpired which showed that my presence there had been necessary.

Q. Did you tell the Arab Delegates that when addressing the head of your community they should use the word "Amir-ul-Mo'mineen" ?

A. No. I might myself have used that expression when referring to him.

Q. Did you want to suggest to them that in the Islamic country of Pakistan there is a de facto Amir-ul-Mo'mineen ?

A. No.

Q. Did you in 1951 when you went to America to represent the Pakistan Government present to President Truman a copy of the Commentary on the Holy Qur'an published by the Ahmadiyya Movement.

A. I was present in Washington when President Truman delivered his message to the nation. I was due to see him the next day. When I saw him, I commented upon his speech and, with reference to one or two principles that he had

enunciated, I told him that they brought to my mind certain verses of the Qur'an which I rendered into English. He said he was deeply interested and would like to have the original. Thereupon, I sent him the next day a copy of the English translation of the Holy Qur'an, First Volume, published by the Movement, which I procured from Washington itself.

Q. Did you use the title "Sir" as part of the address on the letters which were published in the Zamindar ?

A. Yes. This is done for the purpose of facilitating the delivery of the mails.

Q. Did Sirdar Abdur Rab Nishtar in a Cabinet meeting held in August 1952 over which you presided tell you that yours was the only community against whom complaints of proselytising had been made ?

A. When I arrived for the Cabinet meeting, one of the Secretaries told me that Khwaja Nazim-ud-Din was indisposed and would not be able to preside over the meeting. He also gave me a draft saying that Khwaja Sahib wanted to put it to the Cabinet and to have it passed. I read it through and commented that this document mentioned one community meaning the Ahmadis, and that this was unfair in the sense that there was no proof that anything was being done by the Ahmadis. On this Sirdar Abdur Rab Nishtar said that the communique did not say that this was being done but that complaints had been received to that effect. I said that even then it singled out a community with regard to that complaint. He said that we could modify this communique if there was any other community with similar complaints against it. I pointed out that there was a good deal of complaint with regard to the Juma'at-i-Islami.



He said that the Juma'at-i-Islami was a political Juma'at and with regard to it there was already a decision that any Government servant who joins it would be violating the Government Servants Conduct Rules. He then went on to say that this was only a preamble and that the directive part of the communique did not make any discrimination and was directed to all communities.

Q. What position did you occupy when you wrote the letter Ex.D.E.256 ?

A. When I wrote this letter in November 1947, I held no official position under the Pakistan Government. I was then leading the Pakistan Delegation to the United Nations. I was Constitutional Adviser to His Highness the Nawab of Bhopal.

To Mr. Asadullah Khan for the Sadr Anjuman Ahmadiyya

Rabwah:-

Q. Will you recall that the meeting in Jehangir Park took place on the 17th and 18th of May and that you delivered the speech on the 18th, not on the 17th ?

A. I am not quite definite about the date. The meeting took place on two days. I did not attend the meeting on the first day. My speech was on the second day. .



To Court:-

Q. Had there been any disturbance on the first day ?

A. Yes.

Q. Were you wearing a helmet when you went to the meeting in the Jehangir Park ?

A. No.

Q. Who appointed you to represent the Muslim League case before the Boundary Commission ?

A. The Quaid-i-Azam sent for me from Bhopal and asked me to undertake the presentation of the Muslim League case before the Boundary Commission.

Q. Did you in the course of your arguments to the Boundary Commission say that Ahmadis constituted a separate community from the Musalmans ?

A. No. So far as my recollection goes, any reference that I made to Qadian, or the Ahmadiyya movement or the community during the course of my address to the Commission was with a view to reinforce the argument that Gurdaspur District should form part of West Punjab and should be within Pakistan.

Q. Who selected the title "Zinda Mazhab" for your speech in Jehangir Park ?

A. I myself.

Q. Why did you select this title?

A. I believe that one of the outstanding features that distinguishes Islam from other faiths is that in Islam the means of keeping fresh the fundamental teachings and of unfolding from the Qur'an such philosophy behind those teachings as may be needed from time to time is provided for and this provision has not been made in any other faith, which is a divine indication that while those faiths were meant only for certain periods of human history, Islam is meant for ever.

Q. It has been hinted in the cross-examination of Maulana Maikash that you did not wish to put the Arab case before the U.N.A. Have you as representative of Pakistan to the U.N.O. ever interested yourself in questions coming up before that Assembly which are of general importance to the Muslim world.

A. I have from the day that Pakistan became a member of the U.N.O. always led the Pakistan Delegation to the annual sessions of the General Assembly. Whenever any question of general Muslim interest has come up, for example, the question of Palestine, the question of Libya, the question of Eritrea, the question of Somaliland, the question of Morocco and the question of

Tunisia, I have myself dealt with it. I believe that the presentation of these cases on behalf of Pakistan to the U.N.A. has always been acknowledged by the peoples concerned and by the other Muslim States as an outstanding contribution.

Q. Can you now recall the purport of your speech at San Francisco ?

A. Yes.

Q. Did you say something about Islam in that speech ?

If so, did your speech have any sectarian tendency ?

A. One of the aspects of the Japanese Treaty that was causing a certain amount of discussion even among those States who were prepared to subscribe to it was that Japan was being too generously dealt with. On the other hand, there was a tendency to hold up the United States as doing something unique in human history in presenting a generous treaty to a vanquished foe. The purport of my speech was that the most outstanding instance of generosity in human history to a vanquished foe was the treatment that the Holy Prophet of Islam had meted out to the conquered Quresh on the occasion of the Peace of



Mecca. This made a most profound impression not only on the statesmen assembled but also, as the proceedings were being televised and broadcast, throughout the United States. One echo that has reached me and which I mention as ahadis-a-nemat is that when the matter was subsequently taken up in the Parliament of Australia, the opposition naturally drew attention to this generous feature of the treaty and based their opposition to the treaty on that ground. A member of the party in power, in the course of his speech said that on this occasion they should act in the spirit in which the Prophet of Islam had acted at the time of the conquest of Mecca and I am sure that he could only have taken that reference from my speech.

While on my speeches, I should like to reply to the criticism of the Jamiat-i-Islami that in the Paris session of the General Assembly in 1951, when I made a grievance of the ill-treatment meted out to an Ahmadi in one of the British colonies, I made no reference to general Muslim subjects in which the Muslim interests are opposed to those of the Western countries. I wish to state that the greater part of that speech of mine was concerned with the condemnation of the colonial system both in its



political and economical aspects. That condemnation was most emphatic and was passionately delivered. In the course of that condemnation, as an instance of the arrogance of colonial officialdom, I referred to the illtreatment of a Pakistani citizen in one of the British colonies. I did not mention the name of the Colony. I cannot vouch for it because I cannot just now refresh my memory, but I believe that the fact that he was an Ahmadi was not even mentioned. It was, however, merely to illustrate the working of colonialism that the incident was cited. In the course of the same session, the question came up of putting the Moroccan and Tunisian question on the agenda. Again mine was the outstanding speech on that aspect which contained a severe condemnation of the attitude of those States including the U.S.A. who were opposed to putting the item on the agenda. I particularly recall that when I mentioned that in the case of refusal to consider these questions, there might be bloodshed in Morocco and that the principal responsibility for that blood shed would be on the shoulders of the delegate of the United States who had

spoken before me, he went pale at the vehemence with which that condemnation was delivered. It is, therefore, very unfair to suggest that though I took up the advocacy of an Ahmadi who had been illtreated, I paid no attention to questions of general interest for Muslims.

To Mr. Faiyaz Ali, Advocate-General, Pakistan, on behalf of the Central Government:-

Q. Did you deal with the mercy petitions of persons

convicted by the Martial Law Courts while the Prime Minister of Pakistan had gone to England in connection with the Coronation ?

A. No. I disposed of all the business pertaining to the office of the Prime Minister as well as to that of the Defence Minister but the only item that I did not deal with was these mercy petitions.

Q. Deliberately ?

A. Yes. I myself suggested to the Prime Minister before he went abroad that it would be best if I did not deal with these petitions.

Q. Who determines the foreign policy of Pakistan ?

A. The Central Cabinet.

To Mr. Yaqub Ali Khan counsel for Mr. Daultana:-

Q. The ex-Chief Minister of the Punjab states that during your visit to Lahore in the first week of October 1952 he asked you to use your good offices with the then Prime Minister to formulate his policy with regard to the three demands and the agitation and that the Chief Minister also said that the coming session of All Pakistan Muslim League at Dacca would be utilized for mobilising public opinion. Is it correct ?

A. He might have said so, but I would not be prepared to say that he did not say so nor that he did say so.

R.O. & A.C.

PRESIDENT.

16th January 1954.

Sd/- M.R.Kayani.  
MEMBER.

O R D E R.

Adjourned till Monday, the 18th January 1954.

PRESIDENT.

16th January 1954.

Sd/- M.R.Kayani.  
MEMBER.